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Crucial Issues in Louisiana Public Education as Reflected in Selected Louisiana Newspapers, 1898-1956.

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**CRUCIAL ISSUES IN LOUISIANA PUBLIC EDUCATION AS REFLECTED
IN SELECTED LOUISIANA NEWSPAPERS, 1898-1956**

A Dissertation

**Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy**

in

The Department of Education

by

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TABLE OF CONTENTS

	PAGE
ACKNOWLEDGMENTS	ii
ABSTRACT	v
FOREWORD	ix
 CHAPTER	
I. THE EVOLUTION OF TAX SUPPORT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN LOUISIANA, 1898-1956	1
The expansion of state support	2
Severance tax.	3
The sales tax.	82
Miscellaneous taxes.	91
Tobacco tax.	91
Malt tax	106
The equalization fund.	112
Development of local tax support for public schools	138
II. STATE REGULATION AND SUPERVISION OF PUBLIC EDUCATION IN LOUISIANA	183
Compulsory attendance.	193
Teachers and state regulation.	200
Teacher retirement	227
The State Budget Committee and teacher tenure	232
The development of agencies of state control.	245
The state superintendent of education.	245

CHAPTER	PAGE
The state board of education	263
III. THE EXTENSION OF EDUCATIONAL OPPORTUNITIES . .	270
The acceptance of the public school idea . .	271
The high school.	273
Negro education.	286
The provision of auxiliary services.	303
School textbooks	304
The school lunch program	313
School transportation.	323
IV. THE PUBLIC PRESS, PUBLIC EDUCATION, PUBLIC OPINION--AN OVERVIEW.	325
Public education	330
State and local support.	331
State supervision and regulation	334
The extension of educational opportunity.	336
Public opinion	337
State and local support.	339
State support.	339
Local support.	342
State supervision and regulation	343
Extension of educational opportunity	346
BIBLIOGRAPHY	351
VITA	356

ABSTRACT

How did the newspapers of Louisiana treat the evolution of public education in the state after 1898? Following the thesis of Ellwood P. Cubberly of Stanford University that public education developed through a series of struggles or issues, three broad issues were formulated for investigation: state and local support, state regulation and supervision, and the extension of educational opportunity. The historical development of the various facets of these issues as reflected in selected newspapers has been noted. An attempt has been made to evaluate the impact which these public media have made upon these crucial issues.

The newspaper which has served as the official journal of the State of Louisiana was utilized to establish guidelines for the selection of the materials from the metropolitan dailies and the lesser publications. The evidence thus screened was drawn from news items, editorials, advertisements, and letters from the public. Pertinent data from court decisions, legislative acts and related research were utilized to provide consistency and coherence.

A preoccupation with local manifestations of issues and the descriptive reportorial function characterized the period from 1898 to 1920. As the role of the state government in public education expanded, the newspapers reflected an increased concern with issues of statewide import. This trend was most readily identifiable as the state enlarged its tax structure to support the public schools and replace lagging local revenues. After 1928, the liberal program of Governor Huey Pierce Long included the implementation of measures designed to extend educational opportunity through increased state appropriations for, and control of public education. A mass of legislation was passed providing for increased severance taxes, tobacco taxes, the equalization fund, free school textbooks and the property tax relief fund. After Long's assassination on September 8, 1935, his political faction continued to carry out such measures as the sales tax, and the teacher welfare law, until 1940.

From 1928 to 1940, the Louisiana press adopted a conservative, anti-Long orientation. This placed the newspapers in opposition to all movements in public education espoused by the Long faction. When the opposition elements came to power with the election of Governor Sam

Houston Jones in 1940, the papers spoke for the state administration. This was continued during the tenure of Governor James H. Davis.

With the election of Governor Earl K. Long in 1948, the Long faction returned to the capitol with an extensive program of legislation. Key measures such as the school lunch program and the teachers' minimum salary schedule were enacted with massive support from organized teachers' groups. The press again reflected the attitudes of the conservative opposition to these bills.

With the turn-about election of Governor Robert F. Kennon in 1952, the newspapers once again spoke for the faction in office. During these four years, the school lunch program and teachers' salary raises were held within conservative limits with journalistic approval. When Earl Long returned to the governor's office in 1956, a bitter struggle erupted over the increased gas gathering tax for higher teachers' salaries. With the demise of all revenue proposals for the 1956 session, the Louisiana press claimed a victory.

Thus in the fifty-eight years of struggle for public education in Louisiana, the newspapers reflected the development of crucial issues in two ways. First, the press

rendered an information service, reporting news pertinent to the public schools. Second, the press became identified with and acted as spokesman for the conservative faction in Louisiana's social, economic and political life.

FOREWORD

The fifty years of educational history which preceded the Louisiana Constitution of 1898 was a half century characterized by slow growth, chaos and stagnation of Civil War, corruption and gross mismanagement of Reconstruction and conservatism of the so-called "Redeemers" who gained control of the state government after the withdrawal of the Federal troops in April, 1877. From 1879 to 1898, the state of Louisiana was engrossed in the throes of economic recovery and political reorganization. The state debt was scaled down by a combination of retrenchment in public spending and the repudiation of public bond issues sold during the Reconstruction regimes. This had a peculiarly adverse effect upon the cause of public education in the state of Louisiana. In addition to these economic problems, the "Redeemer" governments began political reorganization of the state which was to be culminated in the Constitution of 1898. One of the aims of this reorganization was to reduce Negro influence in Louisiana politics and in so doing the Negro was also pushed aside in the spending of public monies for

social services such as public education.¹

Professionally, the teachers had reached an all-time low in professional preparation, prestige and status. Incompetents, semi-literates, and a few simply vicious individuals had entered the profession in Louisiana; the comparatively few competent teachers in the public schools of Louisiana in 1898 had generally come from the old private academies or had received training at the newly-established Louisiana State Normal School at Natchitoches. The entire educational administrative system was characterized by politicization. Parish superintendents were hired indiscriminately without regard for the character, training or ability of the applicants. The parish school boards were appointed from the state capital as were the members of the State Board of Education and the State Superintendent of Education.²

From this milieu of poorly trained personnel, political control and economic chaos, men who believed in the cause of public education came to Baton Rouge in 1898 to write a new state constitution. As Thomas H. Harris noted,

¹Edgar W. Knight, History of Education in the United States (New York: Ginn and Company, 1934), pp. 464-66.

²Charles W. Dabney, Universal Education in the South (Chapel Hill: University of North Carolina Press, 1936), pp. 370-77.

the Convention provided a sound tax basis for the public schools for the first time in the history of the state of Louisiana.³ From this point the story of the issues that have shaped Louisiana's public schools takes its beginning.

³Thomas H. Harris, The Story of Public Education in Louisiana (New Orleans: Delgado Trades School, 1924), p. 66.

CHAPTER I

THE EVOLUTION OF TAX SUPPORT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS OF LOUISIANA, 1898-1956

The issue of tax support of public education in the United States has been one of the most basic and bitterly contested controversies as many writers of the history of American education have noted. This issue has not been decided on a national scale, but upon a state and local basis. Legislative and constitutional provisions for school support have met with varying degrees of resistance. In public education as in most social institutions of the democratic American society, change can be made by legislation, but is not normally effected in the face of public resistance and non-acceptance. The history of Louisiana from 1898 to 1956, has been no exception to this generalization. Thus the analysis of the issue of tax support must be in terms of both state and local support of public education.

I. THE EXPANSION OF STATE SUPPORT

The use of the taxing power of the Louisiana state government to obtain funds for public education represents a definite trend in the fiscal history of the state. This has occurred through an evolution in the attitude of the attitude of the public toward state taxes for education and toward expenditure for public education from general fund revenues. As a result, any discussion of the issue of public support of education must consider not only the state tax levies for education but also certain state expenditures appropriated from the general fund revenues. The imposition of taxes to provide monies dedicated wholly or in part to the support of public education in Louisiana involves principally the initiative of the executive branch and the deliberations of the legislative branch. These processes of representative democracy are controlled and influenced by public opinion as expressed through the ballot and the public media, such as the newspapers. The public media exert influences upon not only the publication of news material representing the formulation of public opinion but through news selection and editorial commentary (on and off the editorial page). Long after the electorate has spoken

at the polls the news media continue to mould and express public opinion. This function usually reaches its peak during political campaigns and legislative sessions. The foregoing statements do not imply that the public prints or electronic means of transmission represent the feelings and thoughts of the majority group of the citizenry on any given issue. On the contrary, the public media often represent many shades of opinion and many varied organized pressure groups which operate in the political climate created by sessions of the legislature of Louisiana. These organized pressure groups are usually very articulate and may become highly vocal when the topic is increased taxation. The role played by such organizations in obtaining public support and legislative support for specific types of legislation cannot be minimized. The leaders for increased state support for public education in Louisiana have utilized all of these varied techniques. The effectiveness of these efforts and the popular endorsement of state levies for public education may be seen through the legislative evolution of such taxes since 1898.

The Severance Tax

The oldest form of state-wide taxation for public education in the United States and in Louisiana has been

the state ad valorem tax.

This form of state support originated in Massachusetts between 1789 and 1825. The primary struggle for state support was fought out some fifty years prior to 1898. Its general acceptance after the Civil War has placed it outside the period of this study.

Louisiana has developed a very unique type of levy on natural resources--the severance tax, by which any product physically severed from the soil of the state is subject to some type of tax.¹ Hence individuals and corporations that exploit the natural wealth of Louisiana pay for the privilege.² The rates of the severance taxes have varied in proportion to the value of the product, the volume of the product, principles of conservation and the general welfare of the people of the state.³ While severance revenues are derived from a wide range of resources, the heaviest returns have come from oil (petroleum), natural gas, and sulphur.

¹Wright v. Imperial Oil and Gas Products Co., 1933, 177 La. 482, 148 So. 685.

²Gulf Refining Co. of Louisiana v. McFarland, 1923, 154 La. 251, 97 So. 433, 264 U.S., 573, 68 L. Ed. 856.

³State v. Standard Oil Co. of Louisiana, 1938, 188 La., 978, 178 So. 602.

It should be noted that Louisiana has been a national and international leader in the production of these vital resources.

The first severance tax to possess any genuine significance for public education in Louisiana was passed in 1920 during the administration of Governor John M. Parker. Parker had used the proposed severance measure as a campaign plank in his bid for the gubernatorial office. As Governor-elect, Parker sought to obtain the new tax in the form of a tax-by-consent. This was not unexpected from a leader of the Progressive Movement in American political life. Aided by the force of public opinion as expressed through the newspapers of the state, Parker was notably successful in this endeavor. The Standard Oil Company of Louisiana, then the largest producer, buyer and refiner of petroleum in the State, took the lead in publicly acquiescing to the Parker proposal. This consent was obtained on May 4, 1920, before the legislature convened and before Parker's inaugural.

The New Orleans Times-Picayune editorialized as follows:

We are disposed to congratulate everyone, especially Louisiana and her incoming governor, John M. Parker, over the successful termination of the proposed separation tax of two per cent upon oil, timber, gas, sulphur, and other natural resources taken from the soil of the state.

The tax is to be imposed under the guise of a

license tax so as to make certain of its legality and constitutionality, but it is to be in fact a severance tax which these interests will pay for the privilege of using these resources.

The action of the Standard Oil Company in taking the lead in agreeing to the payment of this tax makes certain its complete acceptance by the oil men of Louisiana and therefore the prompt and successful carrying out of the new tax scheme, that will open up a new source of wealth to the government.

The new sources of revenue which Governor Parker has brought to the front will give the state something like \$3,000,000 in revenue, of which the oil interests on basis of present production, will pay over half.

The state deficit is something like \$3,000,000 and with the new forms of taxation, the state will get more than this sum in increased revenues.

For the first time in half a century, this new money will put the state on a proper basis and allow building, rebuilding and rehabilitation of the institutions sadly in need of it.⁴

On the same day the Baton Rouge State Times reported:

"Sulphur Interests Accept Two Per Cent Tax Conditionally."

This article continued:

Sulphur interests of Louisiana, represented by A. P. Pujos of Lake Charles, submitted to Governor-elect Parker, a letter accepting the two per cent license tax on certain conditions, chief of which was 'that the tax be based upon the value of the sulphur whenever severed.' When asked his attitude, Mr. Parker said he would submit the whole matter to the legislature.⁵

After taking office, Governor John M. Parker sent his

⁴New Orleans Times Picayune, May 4, 1920.

⁵Baton Rouge State Times, May 4, 1920.

financial program to the State Legislature. The two per cent tax on natural resources headed the list.⁶ Judge John C. Pugh, one of the attorneys for the Standard Oil Company came to Baton Rouge to assist in the preparation of the severance tax bills. "Governor Parker requested me to write his severance bills," said Pugh. "I have performed the duty and am here to deliver the measures to Governor Parker for his consideration."⁷ Despite this assertion, it was reported a few days later that the severance tax had been re-drafted upon the governor's recommendation. A two per cent levy would be placed on the industries using the natural resources of the state.⁸

The sulphur interests of Calcasieu Parish seemed to be the only objectors to the tax.⁹ Most of the newspapers of the state approved of the tax and the actions of industry in accepting it. The following excerpt appeared in the May 5, 1920 issue of the Shreveport Times:¹⁰

With the acceptance of the independent oil

⁶New Orleans Times Picayune, May 19, 1920.

⁷Baton Rouge State Times, May 18, 1920.

⁸Ibid., May 27, 1920. ⁹Ibid., May 31, 1920.

¹⁰Shreveport Times, May 5, 1920.

interests of the two per cent license tax on natural resources, which was proposed by Governor-elect John M. Parker, the industries engaged in the exploitation and exploration of the state are united. The pipeline companies have also accepted the tax. The timber interests fell into line early in the week, as did the gas, naval stores, and salt industries. Louisiana is a rich state. There is an abundance of fertile acres and of forests, but great wealth also lies below the surface of the state. In taxation there should be equalization. We believe that the license tax proposed is not unfair under the conditions which the state is laboring. It is gratifying that the interests engaged in the exploration of the state's natural resources have agreed with Mr. Parker and have consented to his plan of levying a tariff. The action of the oil and gas fraternity especially is commendable, as this industry is surrounded by the greatest risks. There are many disappointments in the drilling of oil wells and by far not every dollar sunk into a well f ws forth as liquid gold.

At the opposite end of the state, the Lafourche

Leader noted:

When the national government enacted a law to provide homesteads and timber claims for the people, it might have looked ahead to the time when the natural resources of this country might be more fully developed and made reservations for minerals that might be discovered. This was a wise measure and has a tendency to make the whole people the beneficiaries of the great treasures which a wise God hid away in the bowels of the earth. Louisiana has had the title to millions of acres of public domain with which it has parted, we might almost say for a mess of pottage. If such reservations were made in these titles we are not aware of it. But the state still has the taxing power and it could not be used more righteously than getting back something for the loss of its lands. Governor Parker has proposed a two cent tax. It is the opinion of many of our people

that five per cent would be a very small return to the state when it could be used to such good advantage in building up a better school system, and help care for the poor and insane wards of the state.¹¹

On June 10, 1920, Governor Parker addressed the joint session of the legislature, strongly supporting the new tax bill. This speech was reported editorially by the New Orleans Times Picayune:

Addressing a joint session of the General Assembly yesterday, Governor Parker announced that the additional revenues collected under the proposed severance license would be sufficient to finance urgently needed improvements eleemosynary and other institutions and the establishment of a greater agricultural college. . . . The governor estimates the total return from these new taxes on severed natural resources in round numbers at \$3,000,000.

By uncovering this source of additional revenue, and winning unanimous acceptance of the two per cent tax from the interests affected Governor Parker solved one of the knottiest problems that awaited the assembly. . . . Some increase in taxation is indicated, necessary for adequate maintenance and development of the state's educational system and there is also a good roads formula to be formulated. The governor's suggestion of a license tax on luxuries for the aid of education deserves study and may conceivably help in the solution of another of the Assembly's pressing problems.¹²

The severance tax was passed in an atmosphere of

¹¹Lockport Lafourche Leader, May 6, 1920.

¹²New Orleans Times Picayune, June 11, 1920.

cordiality and approval and was hailed in the public press of Louisiana as a great stride forward. The new levy was passed as Act No. 31 of 1920.¹³ In the regular session of 1922, this statute was modified slightly by Act No. 140.¹⁴ The effect of the latter act was to arouse the first question of constitutionality. The Gulf Oil and Refining Company of Louisiana contended the new levy had exceeded the limit of five and one-half mills annual tax on property as prescribed under the provisions of Article 10, Section 3 of the State Constitution. This suit did not receive widespread attention in the newspapers. No attempt was made to create an expression of public opinion. The severance tax was declared "not repugnant to the constitution." The nature of the impost was defined by law, by both the state and federal judiciary as a "license tax."¹⁵ This action by the courts of law quieted the issue until the gubernatorial campaign of 1928.

With the election of Huey Pierce Long as governor in

¹³Acts of Louisiana, 1920, Act No. 31.

¹⁴Acts of Louisiana, 1922, Act No. 140.

¹⁵Gulf Refining Company of Louisiana v. McFarland, 1923, 154 La. 251, So. 433, affirmed 44 S. Ct. 402, 264 U. S. 573, 68 L. Ed. 856.

1928, on a broad platform of proposed social legislation, the corporations and the interest groups adopted an attitude of watchful waiting. Gone was the cordial, tax-by-consent of 1920, when three new severance measures appeared in the session of 1928. These bills contained the levy itself, a free textbook law tied to severance and an appropriation to put the textbook law into effect. The companion school books proposals elicited immediate opposition. As a direct result questions of constitutionality were raised, concerning not only the textbook bills but also the imposition and collection of the severance tax itself.

The severance bills of 1928 were introduced by Representative James E. McClanahan of Caldwell Parish. This series of proposals included a bill to repeal the tobacco tax* entirely, since the new severance revenues would be dedicated to public education. The McClanahan bills included: (1) a drastic increase in the natural gas tax from nine-tenths of a mill to one and one-half cents per thousand cubic feet; (2) a basic change in the oil tax from three cents per barrel based upon market price to a graduated schedule from a maximum of seven and one-half cents, based

*Tobacco excise taxes, pp. 91-105 of this study.

upon quality as determined by the Baume gravity scale; (3) dedication of those monies to a system of free textbooks for the school children of Louisiana. While oil (petroleum) and natural gas formed the major sources of income, the new legislation listed a number of other materials which could be covered by severance, such as timber, sulphur, salt, coal, marble, stone, gravel, sand, ores, and shells.¹⁶

Speaking for the public schools of Louisiana, State Superintendent Thomas H. Harris strongly endorsed Governor Long's action and Representative McClanahan's severance tax revision in a circular letter to the parish superintendents of the state. Mr. Harris advocated free textbooks and the repeal of the tobacco tax as well.¹⁷ Governor Long's message to the legislature stated the case for the new taxes:

The tobacco tax should be repealed. The schools should not suffer as a result. Our severance tax is now based on value by market. Hence a large part of that tax is a voluntary tax. The oil which sells at the well for 50 cents a barrel while we pay 25 cents for gasoline sometimes sells for \$3 per barrel when we pay 15 cents for gasoline. But three per cent on the oil when it sells for \$3 is nine cents per barrel, whereas it is only one and one-half cents per barrel when it sells for 50 cents. The large oil and pipeline concerns set the value. They therefore set

¹⁶New Orleans Times Picayune, May 25, 1928.

¹⁷Ibid., May 22, 1928.

the tax. It is therefore necessary to have a fair severance tax per barrel to stabilize the tax. Other severance taxes should be based on quantity. The charge need not become burdensome, in fact not so much as might now be paid on fair market values for many of them. The departments of education and finance and accounts of this state and the administration are in accord on the projects of this reform and the schedule which will be submitted.¹⁸

The oil and gas interests moved to resist the severance tax revision. With some of the legislators already in opposition and at odds with Long's administration over the tobacco tax repeal, these organized groups sought enough support to defeat the McClanahan bills. Governor Huey P. Long reacted claiming that a powerful lobby was at work to fight the increase in tax. The carbon black interests were singled out in the governor's statement to the press.

While the tax will not do anything of the kind, in the opinion of most of the people of this state, if the tax would drive the carbon black interests out of the state; it would do considerable good.¹⁹

Senator Norris C. Williamson of East Carroll Parish, an advocate of the tobacco tax, vigorously opposed both the repeal bill and the changes in the severance tax provisions. Denounced by the governor as a partisan of the carbon black

¹⁸New Orleans Times Picayune, May 24, 1928.

¹⁹Ibid., May 26, 1928.

companies,²⁰ Senator Williams issued a public statement in defense of his position, which stated in part:

I want to warn the friends of public education that they had better see to it that this tobacco tax is not repealed. If this tax is repealed, about \$1,500,000 is lopped off the public school fund at one blow. If free textbooks are supplied, another \$1,500,000 is taken from the same fund, making \$3,000,000 in all.²¹

As the House Ways and Means Committee scheduled hearings on the new levies, a complex struggle for popular support and influence began.²² Governor Long was adamant seeing the passage of the whole program as the key to future legislation. He did not hesitate to use the weight of his office to influence public opinion and garner votes in the Legislature.²³ He was supported by the public education forces of the State and by some of the newspapers.²⁴ The New Orleans Times Picayune had supported the tobacco tax repeal, printing frequent editorials on the "nuisance tobacco tax."²⁵

²⁰New Orleans Times Picayune, May 26, 1928.

²¹Baton Rouge State Times, May 31, 1928.

²²New Orleans Times Picayune, June 6, 1928.

²³Ibid., May 31, 1928. ²⁴Ibid., June 12, 1928.

²⁵Ibid., May 23, 1928; June 8, 1928.

The opposition on the other hand resorted to an equally formidable array of tactics, also seeking to influence both the public mind and legislative decision. Utilizing the anti-administration senators and representatives, the issue of public school funds, tobacco tax repeal and severance tax was intricately interwoven by the press to arouse the voters and taxpayers. With the not inconsiderable wealth of the corporate interests much could be done and was done to place the question before the people through the newspapers. Ad hominem references to Governor Long and other members of the state government began to appear in the public prints. This technique is a familiar process of propaganda and a very old one. By repeated name calling which may or may not stop short of vilification, an attempt is made to create a popular image of a "devil" or "bogey." From this position, anything connected with the individual so characterized may be identified as being "evil, bad, immoral, dictatorial or wrong." In addition, the rumor-mill technique was employed to create the impression certain events had already taken place or would shortly take place.

A case in point of this latter method can be cited from the stories which appeared in the Shreveport Journal, before the House Ways and Means Committee met to consider

new taxes. Under the headings of: "severance tax accord," "compromise" and "definite agreement"²⁶ to cite one example, information was reported that seemed to indicate the State administrative forces' acceptance of reductions in the proposed severance tax rates. The subsequent actions of the House Ways and Means Committee would seem to indicate a sizable discrepancy in someone's estimate of the situation.

In the Ways and Means Committee hearings of June 5, 1928, the severance tax bill was violently assailed by the oil and natural gas groups. Representatives of these groups charged that the tax would force corporations engaged in oil and gas production to cease operations in Louisiana. In addition they charged that the levy would "close the doors of the state to capital." A representative from a group of oil and gas royalty owners in Calcasieu Parish complained: "The taxpayers build the schools and pay teachers and I can't see why fathers and mothers can't buy the books and save the state from penalizing industry."²⁷

After amending certain features of the bill objected to by the oil interests, the House Ways and Means Committee

²⁶Shreveport Journal, June 5, 1928.

²⁷New Orleans Times Picayune, June 6, 1928.

approved the severance revisions by a decisive vote of 13 to 2. In the same action, the tobacco repeal was reported unfavorably. The north Louisiana natural gas interests found the amended measure unacceptable and planned to fight its passage on the floor of the House of Representatives and the Senate.²⁸

These measures received the endorsement of the Association of State and Parish School Officials.²⁹ The state organization of the parish police juries also sought the passage of the McClanahan severance bill and tobacco tax repeal.³⁰

In the first show of the Long administration's strength in the Legislature, the House of Representatives passed the severance tax by a vote of 69 to 27.³¹ On the following day the free textbooks measure and the carbon black tax on natural gas passed by overwhelming majorities. The Senate Finance Committee announced an early hearing for the bills.³²

²⁸New Orleans Times Picayune, June 7, 1928.

²⁹Ibid., June 12, 1928.

³⁰Baton Rouge State Times, April 25, 1928.

³¹New Orleans Times Picayune, June 13, 1928.

³²Ibid., June 14, 1928.

In the interim, the north Louisiana gas interests attempted to marshal strength for a fight in the Senate. They enlisted other business interests in this struggle. This was illustrated by a half-page of paid advertising which appeared in the metropolitan dailies of the state, entitled, "Monroe Gas Field and Proposed Tax Legislation." The intent of this article could be seen from the summary paragraph:

The business interests of North Louisiana are most seriously threatened. Your aid in assisting us to defeat this tax proposed by the McClanahan severance and carbon black tax bills and thus removing from us the threatened injustice, unfairness, oppressiveness and danger thereof will be sincerely appreciated by the people of the gas producing parishes and by the business men of Monroe who pay for this advertisement.³³

The Senate Finance Committee hearings which began on June 19, 1928, erupted with a bitter personal exchange between Governor Huey Long and the wife of a former governor, Mrs. Ruffin G. Pleasant. After this the proceedings became rather disorganized as State Superintendent T. H. Harris appeared in behalf of the severance tax, followed by opponents of the tax. One of these representatives of the opposition was Charles DeB. Claiborne, of the New Orleans

³³New Orleans Times Picayune, June 19, 1928.

Clearing House. Mr. Claiborne implored the committee and the legislature to go slowly not to endanger "the faith and credit of the state." The final result of these representations was a delay of the severance tax report.³⁴

Before the measures reached the floor of the Senate, the Mid-Continent Oil and Gas Association purchased newspaper space in a last attempt to influence public opinion. One such advertisement captioned: "I would have voted differently had I known the facts." This item used a technique known as the appeal to the people with an economic approach:

If you want natural gas for our homes, and
if you want oil workers to remain in their jobs,
wire your senator today to vote against the
severance tax increase.³⁵

This was a variation on a old corporate interest theme, taxes will ruin business.

On June 29, 1928, the first of the severance tax bills was passed by the State Senate by a vote of 25 to 14.³⁶ On succeeding days, ending on July 4th, the free textbooks and carbon black measures were sent to the governor's desk for

³⁴New Orleans Times Picayune, June 20, 1928.

³⁵Ibid., June 26, 1928.

³⁶Ibid., June 29, 1928.

signature into law.³⁷ Thus the first phase of the struggle in the Legislature seemed to result in victory for the Long administration and the education groups.

The opposition then moved the issue to the courts. Raising questions of constitutionality, the oil and gas interests moved swiftly seeking interlocutory injunctions to block the collection of the tax. A series of suits appeared in the courts attempting to invalidate the new levies on several grounds. The severance tax law was attacked as an unconstitutional and discriminatory imposition. The free textbook provisions were similarly assailed on grounds of constitutionality, charging violation of both the State and Federal Constitutions.³⁸

The courts began hearings with the suit of the Ohio Oil Company versus E. A. Conway, Supervisor of Public Accounts. All similar and subsequent suits would be settled in memorandum.³⁹

The Ohio Oil Company suit was an attack upon the

³⁷Ibid., July 4, 1928.

³⁸Silas P. Borden v. Louisiana State Board of Education, 168 La. 1005, 123 So. 655. Emma Cochran et al., v. Louisiana State Board of Education, 281 U.S. 370.

³⁹New Orleans Times Picayune, June 27, 1929.

severance tax. The principal arguments charged that the tax was "confiscatory and discriminatory." The New Orleans Times Picayune reported:

Petroleum producers of North Louisiana Tuesday in federal court launched their final assault upon the 1928 severance tax act to set aside the provision for computing the tax upon a Baume gravity test basis.⁴⁰

The use of the Baume scale to evaluate the quality of crude petroleum had been in use in the oil refining industry to determine the market price of oil for a number of years. The original severance levies had been based upon quantity rather than quality. The schedules for the tax were changed by Act 5, 1928. Under this act, crude oil was to be taxed upon both quality and quantity, applying the Baume scale as the criterion.⁴¹ In reply to the contentions of the Ohio Company, the State's attorneys argued that since oil sales were made on the gravity basis, there could be no reasonable objection to using the same system as the basis for taxation. The case was heard by a three-judge panel composed of Judges Rufus E. Foster, Ben C. Dawkins and Wayne G. Borah. In a very skillfully conducted presentation, the State's

⁴⁰New Orleans Times Picayune, June 26, 1929.

⁴¹Acts of Louisiana, 1928, Act No. 5.

attorneys forced key oil company witnesses to admit the validity of the use of the Baume scale. The final testimony given in this case came from Governor Huey P. Long, whose statements refuted the claims of the plaintiffs and pointed out that under the new law oils of high asphaltic content and low gravity paid no tax.⁴²

The case was taken under advisement by the Federal Court in New Orleans. After a decree of dismissal was handed down, the Ohio Oil Company appealed to the United States Supreme Court. The case was argued on March 4, 1930, and the opinion of the Supreme Court was delivered by Chief Justice Charles Evans Hughes on April 14. In a lengthy decision, the oil severance tax, computed on a graduated scale according to gravity was held constitutional and not discriminatory.⁴³

With this decision, litigation concerning the constitutionality of the severance levy was allayed. The free textbooks law was challenged by suits by Borden versus the Louisiana State Board of Education and Cochran versus the Louisiana State Board of Education. This litigation is

⁴²New Orleans Times Picayune, June 28, 1929.

⁴³Ohio Oil Company v. Conway, Supervisor of Public Accounts, 281 U.S. 146.

developed under the consideration of auxiliary services in Chapter III of this study.

The Louisiana Legislature convened in regular session in 1930 on May 12, in an atmosphere of tension and deep economic uncertainty. The whole state had split into two factions: pro-Long and anti-Long. Personal references to Governor Huey P. Long had become less restrained and more slanderous. The public press of the state opposed the governor and all his works; cartoons lampooned him on the editorial pages and news items on the front pages contained bias and value-loaded words and phrases.⁴⁴ The effects of these personal assaults on Governor Long cannot be discounted, especially when considering pieces of legislation sponsored and endorsed by the governor and the state administration. The area of public education and state support for public schools was and had been a direct concern of Governor Long.

A proposal relating to the public schools and the proceeds of the severance tax was unveiled. This was,
... an equalization fund for the state department

⁴⁴The Shreveport Journal, January 1-May 1, 1930; New Orleans Times Picayune, January 1-May 1, 1930; Shreveport Times, January 1-May 1, 1930.

of education of about \$2,000,000 a year for the purpose of aiding the poorer parishes in maintaining the minimum standard of efficiency and to prevent curtailed sessions and forced reductions in teachers' salaries.⁴⁵

The equalization fund idea had popular and political appeal. Legislators came forward with a number of proposed taxes to support the plan. The malt tax, the gasoline tax, the bond interest fund surplus and the severance tax were all considered as sources of revenue for the fund.⁴⁶ Representative N. Smith Hoffpauir of Acadia Parish introduced into the House a proposed equalization fund prepared by the State Department of Education. This was presented in the form of a proposed amendment to the State Constitution, designed to appropriate \$15.00 per educable plus \$3.50 per educable in equalization funds. Representative Hoffpauir's bill would fix in the Constitution the malt tax and severance tax laws. In addition, \$100,000 of the equalization monies would be allocated for the education of illiterate adult whites.⁴⁷ This plan had the endorsement of public school officials.⁴⁸

⁴⁵Baton Rouge State Times, May 10, 1930.

⁴⁶Ibid., June 27, 1930.

⁴⁷Shreveport Journal, May 27, 1930.

⁴⁸Ibid., May 13, 1930.

While the Hoffpauir amendment proposed a plan for expending the severance tax receipts, no changes were made in the imposition of the taxes themselves. The struggle for new levies centered around the malt and tobacco taxes which are dealt with separately in this study.

The importance of the severance revenues to the current school fund was emphasized by State Superintendent T. H. Harris' announcement of the June per educable apportionment. Mr. Harris thought that an additional 25 cents per child would be made available when additional severance taxes held in abeyance by litigation were paid.⁴⁹ The all-inclusive nature of the severance levy was further pointed up by the extension of the tax to include not only rock salt but also salt brine. This measure was passed by the House of Representatives just prior to adjournment in 1930.⁵⁰

The Louisiana State Legislature had, through the severance tax established a support for the vital principle of equalization. The development of the minimum program and the fixing of the proportionate amount of the total state

⁴⁹Baton Rouge State Times, June 28, 1930.

⁵⁰Ibid., July 2, 1930.

school expenditures devoted to equalization are treated in detail in a subsequent part of this study.

As the regular session of 1932 approached, Louisiana was in the throes of the Great Depression and an agricultural state with limited industrial development the difficulties of the various parish and municipal governments multiplied and mounted toward crisis as revenues dwindled, property values declined and tax sales of property became all too common. Demands for some alleviation, some type of state action appeared more frequently than in 1930. These demands were voiced in the newspapers by editorial writers, legislators, public officials and organized groups of citizens and business interests.

In north Louisiana, the Shreveport Journal began a vigorous editorial campaign demanding from Governor-elect Oscar Kelly Allen a balanced budget, with reduced state expenditures and at the "same time some substantial relief for property taxpayers."⁵¹ In addition to the editorial commentary the front page banner headlines and lead story captions were manipulated to carry out the message.⁵² An

⁵¹Shreveport Journal, May 12, 1932.

⁵²Ibid., May 17, 1932.

example of this procedure was contained in the issue of May 17, 1932: "Allen Asks More Revenue With No Property Tax Hike." A few days later another banner read: "Protection Asked Against Higher Property Tax." This latter article selectively quoted legislators who supported the position advocated by the newspaper.⁵³

While the Shreveport Journal took up its cudgels, the largest metropolitan daily in Louisiana, the New Orleans Times Picayune began a publication policy of "cut spending, no further tax increase."⁵⁴ With its wide circulation range in south Louisiana the Times Picayune reprinted extensively from many smaller newspaper editorials and news items to reinforce its own output.⁵⁵

As the legislative process moved ahead during the months of May and June of 1932 under the pressure of continuous criticism in the public press, sources of revenue other than the severance tax were explored and tapped by legislation.⁵⁶ Property tax postponements were ordered to

⁵³Shreveport Journal, May 26, 1932.

⁵⁴New Orleans Times Picayune, May 10, 1932.

⁵⁵Ibid., May 11, 1932.

⁵⁶Ibid., May 22, 1932.

effect some temporary relief.⁵⁷ While the in lieu tax movement gained considerable support, nothing was done to exploit the natural resource levies to produce added revenue.

The single significant action concerning severance taxes took place outside of the Legislature of Louisiana. The United States Circuit Court of Appeals, sitting in New Orleans, upheld Act 152 of 1928 which placed a tax upon carbon black produced by burning natural gas. The Century Carbon Company had secured an interlocutory decree enjoining the Supervisor of Public Accounts E. A. Conway from collecting the tax. The plaintiff had charged that the carbon black levy was unconstitutional and discriminatory. Judges Rufus E. Foster, Ben C. Dawkins and Wayne G. Borah ruled in favor of the State as follows:

The tax levied by Act 152 of 1928 is an excise tax levied upon the occupation of manufacturing carbon black and not the product as property. It was within the power of the Louisiana legislature to impose the tax in addition to the maximum limit of ad valorem taxes.⁵⁸

This decision in the case of Century Carbon Company

⁵⁷Shreveport Journal, May 26, 1932; Baton Rouge State Times, June 10, 1932; New Orleans Times Picayune, June 10, 1932.

⁵⁸Shreveport Journal, May 23, 1932.

versus E. A. Conway, not only upheld the allegations of the state but defined the exact legal nature of the carbon black tax and other related severance levies. The line was drawn between the severance laws and the ad valorem principle. Needless to say this news received banner leads in such north Louisiana papers as the Shreveport Journal and the Monroe Morning World. These papers had opposed the tax from its inception and had carried extensive paid advertising, news articles and editorial comment in an effort to gain public support for the carbon black producers.⁵⁹

The next round of severance tax increases was proposed in an omnibus bill in 1934. Known as the Wimberly Bill, it would amend the severance tax laws to provide a tax of from three to eight cents per barrel on oil; two cents a thousand on gas; \$1.25 per ton on sulphur; salt, four cents per ton; coal, lignite and ores, five cents per ton; marble, ten cents per ton; cypress lumber, twenty-six cents per thousand feet; virgin pine, seventeen cents; cottonwood, red gum, magnolia, twelve cents; black gum and sap gum, seven cents; turpentine, ten cents per barrel.⁶⁰ This measure indicated the extent of application which the severance

⁵⁹Ibid.; Monroe Morning World, May 23, 1932.

⁶⁰New Orleans Times Picayune, May 31, 1934.

tax had reached in its fourteen-year history. As in the case of many such inclusive bills, the different clauses were fragmented into separate bills. The demise or passage of these bills attracted very little notice as the controversy of tax relief dominated the scene. Slightly higher oil and sulphur severance schedules were quietly enacted into law.⁶¹

The provisions of the Wimberly Bill were not enacted until their re-introduction during the Second Extraordinary Session of 1935. Passed in the form of a proposed constitutional amendment, this broad inclusive measure was approved by the voters of the state.⁶² In this form the severance taxes per se attracted very little attention until 1940.

In 1938, a most unique controversy arose not from the imposition of the severance taxes, but from the appropriation of the proceeds. This incident served to point out the necessity for segregating the school revenues and thus placing them beyond the reach of the legislature.

⁶¹Baton Rouge State Times, July 11, 1934.

⁶²Guy C. Mitchell, "Growth of State Control of Public Education in Louisiana" (unpublished Doctor's dissertation, University of Michigan, Ann Arbor, 1942),

A simple legislative news item of June 21, 1938, gave the first indication that a portion of the severance money was about to be diverted to non-educational use:

The house passed a bill by Representative Morvant to appropriate \$300,000 out of severance tax funds for the establishment of a state park from the lands forming a part of the site of the Chalmette Battlefield where the Battle of New Orleans was fought. This measure was opposed by the teachers and school people on the grounds that the money would come from funds which otherwise would go to the schools.⁶³

The hidden issue in the passage of this bill centered around the inviolability of the severance proceeds as school revenue. Could this money be appropriated for a purpose deemed worthy of the expenditure? As noted in several newspapers of the state, the appropriation for the state park at Chalmette became the chief topic of discussion as the legislature met on June 27, 1938. Opponents of the bill, including State Superintendent Thomas H. Harris claimed that the schools needed all the money available from the severance levies. Sponsors of the bill maintained that the battle fought in 1815, should be fittingly commemorated and that the public schools realized considerably more money from severance than previously. Colonel Edward S. Bres, chairman of the historic memorials committee of the

⁶³Baton Rouge State Times, June 21, 1938.

New Orleans Association of Commerce, issued public statements supporting the Morvant Bill. Bres pointed out that the \$300,000 would permit the purchase of as much land on the battle site as possible. It was proposed that the property be turned over to the National Park Service for maintenance. Since the purchase of the Chalmette battlefield through Federal funds had been vetoed by President Franklin D. Roosevelt in 1936, Colonel Bres and other proponents claimed that its purchase by the State was the only way to preserve the site from industrial development.⁶⁴

The severance tax diversion was attacked on the floor of the Senate with bitter sarcasm by Senator Philip C. Gilbert of Franklin Parish:

If we pay what they want we will be paying the St. Bernard politicians about \$86.32 per vote. Figure out the vote of the parish and you will see that I am right. That's a lot to pay for votes if we give them \$300,000 for that land. You know I always thought that Lafitte was a wonderful pirate, but he was only a piker compared to these St. Bernard boys. Now you hill-billies from the country, you had better watch your vote on this bill. Because when 1940 rolls around you will have a hard time explaining this vote of yours.⁶⁵

⁶⁴Baton Rouge State Times, June 27, 1938.

⁶⁵Ibid., June 28, 1938.

Senator R. W. Rhodes of Union Parish was also in opposition. He stated that, "In this time of serious depression to take \$300,000 from the schools for a park would be entirely unjustifiable and a misappropriation of funds." Others felt that if the school funds were to be appropriated the money should be used for those state institutions in dire financial circumstances. The press gave full coverage to this acrimonious exchange, but devoted almost no editorial space to any aspect of the matter.⁶⁶

The opponents of the bill, unable to muster enough votes for the defeat of the measure, could not stop the diversion of the severance funds. The Morvant Bill was signed into law by Governor Richard W. Leche on July 4, 1938.⁶⁷

Governor Sam H. Jones' financial program depended heavily upon the severance taxes to provide the monies required to bring a semblance of balance to the finances of Louisiana and provide for the public schools. In his message to the legislature, Jones mentioned a natural gas

⁶⁶Baton Rouge State Times, June 28, 1938.

⁶⁷Ibid., July 4, 1938.

gathering tax as a probable source of revenue to replace the sales tax. The passage of a revised severance program became involved with sales tax repeal.⁶⁸ In addition, a bill was introduced to dedicate the severance proceeds exclusively to the school fund to halt diversions such as the Morvant Bill in 1938.⁶⁹ The situation was complicated further by the formation of a large anti-administration bloc in the legislature.

A number of severance bills was introduced to "impose new taxes on distillate, pulpwood and a distribution tax on natural gas." The latter tax would impose a privilege tax of .025 per thousand cubic feet on natural gas, estimated to yield \$3,000,000.⁷⁰ The oil distillate levy would place a maximum limit of eleven cents on that high gravity product. With the addition of the distillate category the oil severance levy would approximate nine per cent of the sale price of crude petroleum. Since the lighter gravity production was centered in the south Louisiana oil fields, the new tax would bear heavier on those fields. (Distillate is an industry term applied to oils above forty-three

⁶⁸Baton Rouge State Times, May 21, 1940.

⁶⁹New Orleans Times Picayune, June 1, 1940.

⁷⁰Ibid., June 3, 1940.

in the Baume scale.)⁷¹

The oil and gas interests vigorously opposed the increases, both as individual corporations and through their pressure group association, the Mid-Continent Oil and Gas Association.⁷² In addition to these expected protests, numerous letters to the editors from individual consumers appeared, expressing sentiments similar to those excerpted below:

There are now pending at Baton Rouge bills which, if enacted, would impose taxes totaling some \$18,000,000 on the oil and gas interests of Louisiana.

Such taxes would unquestionably greatly increase cost to consumers and interfere with the sale of such products. Louisiana has suffered for years because of political handicaps placed on enterprise.⁷³

The effectiveness of such expressions could be seen as compromise amendments to the new taxes were considered. The administration's original bill proposing a processing tax of two and one-half cents on natural gas was rumored to be reduced to about one cent. This report seems to have stemmed from the Caddo Parish Taxpayers' Association.⁷⁴

⁷¹New Orleans Times Picayune, June 15, 1940.

⁷²Baton Rouge State Times, June 20, 1940.

⁷³New Orleans Times Picayune, June 14, 1940

⁷⁴Ibid., June 15, 1940.

This group requested a temporary adjournment of the House Ways and Means Committee until the new tax schedules could be studied. The temporary adjournment is not an unusual tactic for organized groups seeking to substitute or amend measures in committee. In the case of the gas gathering tax the maneuver was apparently successful. The Ways and Means Committee cut the levy to one-half cent per thousand cubic feet and added a long list of exemptions. The proceeds of the amended bill were estimated at \$1,750,000.⁷⁵ In the case of the oil tax, the lobby was unable to bring about any decrease in the rates of tax. In fact, the rates were increased slightly in committee as it became evident that the State's budget was seriously out of balance.⁷⁶

An old opponent of severance taxes, Standard Oil, purchased large half-page advertisements warning the public of the dangers inherent in higher taxes.⁷⁷ The arguments advanced were not new, just reprints of similar material published as early as 1928. Standard Oil garnered very little editorial sympathy for its position. The press had

⁷⁵Baton Rouge State Times, June 18, 1940.

⁷⁶New Orleans Times Picayune, June 21, 1940.

⁷⁷Baton Rouge State Times, June 20, 1940.

taken such a positive stand on sales tax repeal that they could not openly oppose substitute sources of revenue. Further, the news media indicated some insight of public feelings concerning the oil lobbies and severance taxes.

In the face of heavy pressure from teachers' groups⁷⁸ and some civic organizations for an increased public school fund,⁷⁹ administration leaders searched for more tax resources. The monies were not forthcoming from severance taxes as the amended severance schedules were approved by the Legislature. The oil taxes were trimmed in the Senate by the exemption of stripper production from the schedules. This amendment cost approximately \$1,000,000 in estimated revenues.⁸⁰

Rumors of special sessions and a "grass roots" struggle for extra school funds were ineffective. The Legislature would not re-open the severance tax controversy.⁸¹ When the special session did convene, the sales tax and not the taxes on natural resources was the vehicle used

⁷⁸New Orleans Times Picayune, June 26, 1940.

⁷⁹Ibid., June 24, 1940.

⁸⁰Baton Rouge State Times, June 26, 1940.

⁸¹New Orleans Times Picayune, July 4, 1940.

to provide the necessary funds.⁸²

National and state conditions had changed drastically when the Louisiana legislature met in May, 1942. Several of the members attended in military uniform. The haste of war preparations pervaded the atmosphere.⁸³ The severance income experienced a slump owing to wartime reductions in the tax. The relationship of the sales levy to the severance was exactly reversed from that of 1940. State Superintendent John E. Cox advocated the sales tax bill as a replacement source.⁸⁴ Thus the controversy passed to the sales imposts during the 1942 session. The only significant severance tax bill was the re-enactment of the one cent gas gathering tax. The gas levy was given a two-year life and passed without comment as a war measure.⁸⁵

Governor-elect James H. Davis announced his financial program two weeks prior to his inauguration in 1944.⁸⁶ He specifically requested the extension of the gas

⁸²Acts of Louisiana 1940, Extra Session, Act No. 82.

⁸³Baton Rouge State Times, May 15, 1942.

⁸⁴New Orleans Times Picayune, June 10, 1942.

⁸⁵Baton Rouge State Times, July 3, 1942.

⁸⁶New Orleans Times Picayune, May 5, 1944.

gathering tax. The re-enactment of the gas gathering tax attracted nothing more than routine notice as other issues dominated the scene.⁸⁷ These war years were the quiet period for the severance tax legislation.

The respite ended in the spring of 1946, as the Louisiana Parent-Teacher Association opened a campaign for increased school monies based upon a natural gas tax. This organization used extensive publicity and appeared before various governmental bodies such as the Louisiana Revenue Code Commission. The Revenue Code Commission hearing was reported in detail in articles such as the following:

Financial and rate structures of the pipeline companies were scrutinized and Mrs. Fred Benton was the second witness to advocate the gas gathering bill during the five-day session of hearing at the Louisiana Revenue Code Commission. Mrs. Benton, a member of the PTA legislative committee said, 'Such a tax would insure continued and sound economic development not only for the present but for future generations.' A spectator at the hearing during the several days that the gas companies and other witnesses have protested the tax hike, Mrs. Benton said that those witnesses had failed to point out several factors that the code commission should know before making a recommendation to the legislature. . . . These included gas company excess profits taxes paid, depreciation charges, capital investment, comparative assessments, and whether some protesting business men were not also stockholders in the gas companies.

⁸⁷New Orleans Times Picayune, June 13, 1944.

She also suggested that the Chambers of Commerce protesting the tax should list for the commission their contributors.

She said that Louisiana's greatest wealth was its children and that 24,000 of these were out of school because of a shortage of teachers and buildings, the latter due to low wages paid. This had resulted from a lack of funds caused by the exploitation and depletion of our natural resources, without proper taxation and conservation measures, because powerful lobbies have kept their tax rates down, and lack of statesmen among business men who do not recognize that in the long run, sound economy would be to conserve these resources.⁸⁸

Witnesses appeared for the United Gas Pipeline Company, the Interstate Natural Gas Company, the Lake Long Gas Company, and the Louisiana Manufacturers' Association in opposition to the bill. Without exception, these representatives protested that the imposition of a higher rate of tax on natural gas would ruin their companies and inhibit industrial growth.⁸⁹ The gas interests were able to incline the Commission to their viewpoint.

In a pre-legislative news article, the United Press distributed a story under the caption, "Money Angle to be Crux of Legislative Session." This item stressed the gas gathering tax as a conservation measure and its highly

⁸⁸Baton Rouge State Times, May 3, 1946.

⁸⁹Ibid.

controversial nature.⁹⁰ This wire service distribution plays a significant role since these services must recognize the interest value of news. This technique of dissemination tends to attract public expression on vital questions. Pressure groups realize this potential for influencing both popular opinion and legislative action, by producing masses of releases for the news services.

The American Federation of Teachers, the American Federation of Labor affiliate, moved to capitalize on the gas gathering controversy. The AFT sent representatives to committee hearings endorsing the increased gas levy and supporting higher salaries for teachers from the proceeds. The AFT enjoyed the general backing of the labor lobby in the legislature.⁹¹

Representative Morris A. Lottinger of Terrebonne Parish introduced the bill to increase the gas impost from one-half cent to three cents per thousand cubic feet.⁹² Lottinger claimed that an increase in the gas gathering tax on Louisiana natural gas would promote conservation, tend

⁹⁰Baton Rouge State Times, May 9, 1946.

⁹¹New Orleans Times Picayune, May 15, 1946.

⁹²Ibid.

to increase well-head prices and provide funds for public schools. A prepared statement was issued declaring that "the industrial average rate for Louisiana gas was now .074 per thousand and that if it were increased to .100, the cost of using gas would be comparable to paying one cent per barrel for fuel oil and \$2.18 a ton for coal--all well below the current prices."⁹³ The proponents of the Lottinger bill moved to support the tax by introducing the education appropriation.

The proposed three cent tax was sent to the House Ways and Means Committee for hearings.⁹⁴ This action came hard on the heels of the Louisiana Revenue Code Commission's unfavorable report on the increased gas tax. While all of the members of the commission felt that some increase was desirable, it was felt that two and one-half cents was excessive. The Commission reached these unanimous conclusions: (1) the proposed tax would constitute a levy on the gas producer rather than on the pipeline companies; (2) the levy might drive the pipeline companies to seek supplies in Texas; (3) the tax might place Louisiana

⁹³Baton Rouge State Times, May 30, 1946.

⁹⁴New Orleans Times Picayune, June 4, 1946.

at a competitive disadvantage; (4) well-head prices are too low but cannot be raised by a tax; (5) the increased tax would curtail gas exportation; (6) the state has a forty-year reserve; (7) development of local industry is a desirable means of gas consumption; (8) the increased tax would not further the conservation of gas now flared. This report was given a very thorough treatment by the press.⁹⁵

In this prejudicial climate, the House Ways and Means Committee began open hearings on the Lottinger Bill. a gas company representative, Alan Sholars, testified that Governor Davis was party to an agreement made in 1940, not to raise the gas tax. Howard W. Wright, executive secretary of the Louisiana Teachers' Association spoke for the bill. The director of the gas conservation commission, Colonel Philip A. Frye, pointed out the benefits of the bill toward preserving the state's natural gas resources. Mrs. Fred Benton of the PTA gave a consumer's viewpoint. Mrs. Benton stated, "somewhere between the well-head price and the 60.1 cents I pay at my cookstove, there should be enough cushion for the gas companies to pay this tax."⁹⁶

⁹⁵Baton Rouge State Times, June 3, 1946.

⁹⁶Ibid., June 5, 1946.

The education forces secured a postponement on the Committee's decision over the weekend. When the Ways and Means Committee reconvened, the Lottinger measure was given an unfavorable report of 9 to 4. Representative Lottinger declared his intention to take the bill before the house as a minority report. This action was noted with dismay by the press. The Baton Rouge State Times reported the event under the caption "House Fails to Kill Gas Tax Bill Despite Unfavorable Report."

The House voted against postponing the minority committee report and the bill would be brought before the house for action. The bill would raise \$15,000,000 per year, seventy-five per cent of which would go to education. Representative William Yarno of Avoyelles, member of the ways and means committee, said that he had watched the 'maneuvers and manipulations' of the 'most powerful lobby ever to come to the capitol to defeat a measure.' He declared that 'Eastern capitalists' were making all the money and that the United Gas Company had paid \$4,588,000 in excess profits taxes; Interstate Gas Company, \$1,000,000. . . .

Representative Ross Bannister spoke against the bill from the standpoint of his area, a center of gas production, asking that the tax be killed. . . .

Representative Lottinger said, 'These gas people have brought to Baton Rouge one of the largest groups of lobbyists, one of the most powerful groups that I have ever seen.' He said that the gas company profits appeared low because many of the affiliated companies spreading the total and the huge payments to their vice presidents.⁹⁷

⁹⁷Baton Rouge State Times, June 11, 1946.

The house received the minority report and passed the three-cent gas tax to third reading.⁹⁸ After an open meeting attended by all interested legislators in which state finances were discussed, the final vote on the gas tax was delayed in the House.⁹⁹ The Lottinger Bill was returned to the calendar.¹⁰⁰ This postponement was brought about by the action of the House Appropriations Committee which reported an education appropriation of \$10,000,000 instead of the expected \$26,000,000.¹⁰¹ By this move the effect of "backstopping" the tax bill was lost.

In the interim, the gas lobby circulated a "statement of the natural gas companies of Louisiana" among the legislators. This pamphlet objected to House Bill No. 603 (the gas tax) on these grounds: (1) it would hurt the oil industry; (2) it would deal a severe blow to royalty and landowners; (3) the tax would be passed along to the consumers in the form of increased rates; (4) it would deter

⁹⁸New Orleans Times Picayune, June 12, 1946.

⁹⁹Baton Rouge State Times, June 12, 1946.

¹⁰⁰New Orleans Times Picayune, June 18, 1946.

¹⁰¹Baton Rouge State Times, June 17, 1946.

the industrial development of the state; (5) it would not aid conservation; and (6) the tax would work to lower the well-head price of gas. The oil and gas lobby was very active on the floor of the House seeking a compromise amendment of the rate of the gas tax.¹⁰²

At this juncture, a parliamentary maneuver brought the teachers' salary bill to the floor before the Lottinger tax measure. The natural gas tax failed by a vote of 49 to 42. The supporters of the bill managed to salvage it by a move to reconsider.¹⁰³

The efforts to revive the bill failed by a 43-43 tie vote. A one and one-half cent substitute was offered by Representative Lottinger, but this failed.¹⁰⁴ The gas gathering tax was amended and finally passed at one-half cent per thousand cubic feet. The \$10,000,000 appropriation for public education was met by the one cent gas tax and a percentage of the sales tax proceeds.¹⁰⁵ The anti-tax forces had won a significant victory.

¹⁰²Baton Rouge State Times, June 18, 1946.

¹⁰³New Orleans Times Picayune, June 19, 1946.

¹⁰⁴Baton Rouge State Times, June 19, 1946.

¹⁰⁵New Orleans Times Picayune, July 11, 1946.

The effects of such triumphs by organized pressure groups upon public opinion are sometimes reflected at the polls. Earl Kemp Long campaigned for governor on a program of social legislation which would necessitate extensive changes in the State's tax structure. Long's election may be attributable in part to the lobbyists' defeats of significant tax measures over a period of eight years. The needs of the schools and other state services seemed to have been subordinated to wishes of a powerful minority. Long's campaigners did not hesitate to emphasize these conditions.

After his inauguration Governor Long moved decisively toward a succession of new taxes to underwrite his program of social legislation.

The need for additional monies for public education was paramount to meet the requirements of an increased per educable, the free school lunch program and the new proposed minimum salary schedule for public school teachers. It was apparent that early in the legislative session severance tax bills would be introduced with administration backing and approval.¹⁰⁶ A wide variety of organized

¹⁰⁶Shreveport Times, May 19, 1948.

groups, representing different viewpoints and interests would move to advocate or oppose the new levies.

The education groups were a case in point. For the first time the teachers' organizations joined with other groups, presenting a united front. This action received immediate attention in the newspapers:

Louisiana educational interests are solidly united in support of severance and gas gathering tax bills to put education financing on a sound basis, the representatives of several groups announced today. The announcement was made by Fred G. Thatcher, secretary of the United School Committee of Louisiana and concurred in by State Superintendent Shelby M. Jackson and H. W. Wright, executive secretary of the Louisiana Teachers' Association. The United School Committee is composed of representatives from the Louisiana School Boards Association, the Louisiana PTA, the Louisiana Superintendents Association, and the Louisiana Classroom Teachers Association.

'We all believe,' Thatcher said, 'that educational financing must be put on a sound basis rather than backed by occasional emergency appropriations. We believe that it is fair that the natural resources of the state should help educate our children. We believe that these two proposed increased rates of taxation are fair, in view of the value of the resources. For this reason we are solidly united in support of House Bills 230 and 231.'¹⁰⁷

The administration's tax program was designed to raise approximately \$80,000,000 in new revenues. The proposed gas gathering tax of two cents per thousand cubic

¹⁰⁷Baton Rouge State Times, May 22, 1948.

feet was estimated at \$8,000,000; the revised oil severance rates at \$33,000,000.¹⁰⁸ An increased sales tax was also proposed. A portion of the sales tax proceeds would be devoted to teachers' salaries.¹⁰⁹

The newspapers of Louisiana exploded editorially at the prospect of such sweeping tax proposals. The governor's tax program was characterized as the "great tax flood," and "a dime on the dollar." The new levies would be "an even greater hardship."¹¹⁰

Expressions of opposition and resistance to Long's tax plan appeared in the press from several groups. The Shreveport Chamber of Commerce¹¹¹ and Junior Chamber of Commerce¹¹² voiced protests to any and all new taxes. The Young Men's Business Club of New Orleans claimed that the proposed measures were unnecessary.¹¹³

As the powerful administration majority in the legislature cleared the way for the new money bills by

¹⁰⁸Shreveport Times, May 21, 1948.

¹⁰⁹New Orleans Times Picayune, May 22, 1948.

¹¹⁰Baton Rouge State Times, May 24, 1948.

¹¹¹Shreveport Times, May 23, 1948.

¹¹²Ibid., May 26, 1948.

¹¹³New Orleans Times Picayune, May 26, 1948.

overwhelming votes in the House Ways and Means Committee, the oil and gas lobby entered the struggle.¹¹⁴ The executive vice-president of the Mid-Continent Oil and Gas Association, Sam Caldwell, entered "a most vigorous objection to the severance tax bills." Caldwell read an editorial from the Houston Post, which stated that Earl Long was making good news for Texas by taxing industry in Louisiana. Association spokesmen claimed that the oil and gas industry paid half of the state's taxation. The impending legislation was declared to exceed the rates of taxation imposed by any of the other twenty-three oil producing states.¹¹⁵

Despite these objections the House of Representatives voted the five tax bills which included the severance tax measures. The higher oil severance tax was approved by a vote of 84-6. The new two cent gas gathering tax was amended to prevent its being passed on to the royalty owners and to give it an indefinite life. Then the gas tax was passed, 86-5.¹¹⁶

¹¹⁴New Orleans Times Picayune, May 26, 1948.

¹¹⁵Baton Rouge State Times, May 26, 1948.

¹¹⁶New Orleans Times Picayune, May 28, 1948.

The House's action brought an immediate response from the Louisiana Retailers' Association. This group sent telegrams to administration leaders protesting: "We feel that the revenues now being received by the state will be ample to take care of the state's business and the additional benefits and services to the people." This message purported to represent some 1,200 retailers doing business in Louisiana.¹¹⁷

The Shreveport Times claimed: "Louisiana Heading for Highest Taxes in U.S." This item appeared on the front page, ostensibly as a news story. The contents of the item asserted that the "passage of the Long Program by the senate will take more than 10 per cent of the state's total annual income." This and similar comments revealed the editorial point of view written into the story.¹¹⁸

On the evening of May 30, 1948, Governor Earl K. Long addressed a joint session of the Legislature to defend the new taxes. Pointing out the indirect nature of the different levies, Governor Long said that his program would hurt no one. Long pledged every dollar from the gas

¹¹⁷Baton Rouge State Times, May 28, 1948.

¹¹⁸Shreveport Times, May 28, 1948.

gathering tax and severance to the support of the public schools.¹¹⁹

Goaded by the barrage of objections, Lieutenant Governor William E. Dodd issued a statement which reflected the feeling of the administration:

There is only one fundamental issue before the people of Louisiana, either Earl K. Long and his administration put this humane program into effect, or the Times Picayune-do nothing crowd have their way and the people will suffer.¹²⁰

The Senate passed a resolution to suspend the rules on the proposed tax measures. Since this occurred before the Senate Finance Committee hearings had even begun, opposition groups reacted with alacrity and bombast.¹²¹ The Young Men's Business Club of New Orleans threatened a tax protest motorcade and rally at the capitol.¹²² The New Orleans Times Picayune gave sensational coverage to initiate the recall of legislators. Photographs were published showing recall petitions being signed in New Orleans.¹²³ Editorials asked the public: "Had Enough?"¹²⁴

¹¹⁹New Orleans Times Picayune, May 31, 1948.

¹²⁰Baton Rouge State Times, May 31, 1948.

¹²¹Shreveport Times, May 28, 1948.

¹²²New Orleans Times Picayune, May 31, 1948.

¹²³Ibid., June 1, 1948.

¹²⁴Baton Rouge State Times, May 31, 1948.

Letters were published in an effort to show popular disapproval of the actions of the Legislature and the administration:¹²⁵

Editor, The Times Picayune:

It seems that Louisiana elected 100 representatives and 39 senators to represent the people of Louisiana, not to bow to the Governor.

Myself, like many other voters, understood Mr. Long to say that with tax money being collected at present, he could give all the improvements and benefits he promised. Had he stated that he expected to raise all taxes, he would not have had a chance to be elected.

A Voter

At the Senate Finance Committee hearing, a clash developed over the increased gas gathering tax. State Superintendent Shelby M. Jackson, Fred Pieper of the CIO, and executive counsel Russell Long presented the case for the gas tax in much the same terms as before in the House Committee. The oil and gas interests redoubled their efforts to defeat the taxes. These attempts were given wide publication in the newspapers of the state in addition to the extensive paid advertising used by the oil and gas lobby. Typical of the news item coverage is the following excerpt from the Baton Rouge State Times:

C. H. Lyons, Shreveport independent oil operator

¹²⁵New Orleans Times Picayune, June 1, 1948.

stated: 'This country was founded on free enterprise, and when you destroy that and drive the industries out of this state, you will have nothing left. The proposed tax would yield this year \$64,900,000 and in 1949, \$72,000,000. All that money cannot be used wisely at this time. It should not be invested in a hurry. A five cent tax on oil would yield \$19,000,000 and if it is demonstrated that more is needed we could meet again.' George A. Wilson, Interstate Gas Company president complained that the tax was confiscatory. R. E. Roy, independent oil man, said that the effects would be catastrophic on industry. Cecil Morgan, representing Esso, plead for a more equitable tax, an additional five cents to care for teachers.¹²⁶

Over this expressed opposition, the Senate Finance Committee reported the bills to the Senate for action. The tax rate of some items in the severance schedule such as shells and gravel were reduced. The gas gathering tax was amended to one cent. These amended measures were passed in the Senate and sent to the House for concurrence in the changes.¹²⁷ The House concurred on June 7, 1948 and the new levies were sent to the Governor's desk.¹²⁸

Reactions to the completion of the tax legislation appeared in two forms, editorials and letters to the

¹²⁶Baton Rouge State Times, June 3, 1948.

¹²⁷Ibid., June 4, 1948.

¹²⁸New Orleans Times Picayune, June 7, 1948.

editor. The following item exemplifies the latter form.¹²⁹

Editor, The Times Picayune:

Thank you for keeping the public informed of what's going on in the Legislature at Baton Rouge. I guess nearly everybody remembers before the election. We weren't going to have any more taxes, but I guess now they see different. Boy, ain't we going to have them and so many!

H.B.G.

An editorial which appeared in the Logansport Interstate Progress, entitled the "Miracle of 1948" was extensively reprinted. The version which appears here was printed by the Baton Rouge State Times:

With the Logansport oil and gas area just now coming into its own, and with the development on the up-grade for our fields, we may well expect that the new gas gathering tax and severance tax on oil and other resources will affect this development.

Here in Logansport, for one thing, we have high hopes of securing a gasoline plant and perhaps other types of plants that would use gas as a basic product. But we cannot expect any industry to locate in Louisiana under her high system of taxes.

The story of killing the hen that lays the golden eggs is as old as the hills. But it was never truer than in the case of the severance and the gas gathering tax. It will be cheaper for the oil and gas companies to carry leases for years without developing this territory.

The gas exemption to new stable industries does not in any way offset the vicious effect of a tax structure that makes it uneconomical for a natural resource industry to come to Louisiana.

¹²⁹New Orleans Times Picayune, June 8, 1948.

Under the tax exemption system, an industry is exempt only from ad valorem and license taxes. Thus under a high cycle of taxes of every other kind, exemption from ad valorem taxes means little to a new industry.¹³⁰

Following this round of new levies, the Legislature turned to the sulphur severance tax which had been fixed at \$1.03 per metric ton since 1938. The Senate voted a resolution requesting the house to initiate legislation to remove sulphur from its preferential status. The House took the resolution under advisement and a proposed amendment to treble the sulphur severance rate was considered.¹³¹

The House Ways and Means Committee opened hearings on the sulphur proposal. Leander Perez testified for the Freeport Sulphur Company. Perez alleged that the market price of sulphur had not increased since World War I. He claimed that the price level of the mineral was set by international supply and demand. Such being the case a higher tax rate on Louisiana's production would force the cessation of operations. The bill was withdrawn from the consideration of the committee.¹³²

¹³⁰Logansport Interstate Progress, June 5, 1948.

¹³¹Baton Rouge State Times, June 15, 1948.

¹³²Ibid., June 16, 1948.

Little or no consideration was given to tax legislation during the remainder of Earl K. Long's term of office. The controversies developed from spending policies not taxing policies. The development of the offshore oil lands lessened the State's dependence upon the severance revenues.

The administration of Earl Kemp Long had begun in 1948 with a massive tax program which was successfully enacted into law. The unprecedented growth in the State's economy of the two years between legislative sessions had increased Louisiana's revenues to a new record. In addition to this natural growth in income, the leasing of public water bottoms and offshore areas for oil and gas production began to reach bonanza proportions as the fabulous reserves proved out with expanded drilling operations. The public coffers were overflowing in spite of the heavy spending necessitated by the social legislation of 1948. Thus no further efforts were exerted to increase the revenues realized from the natural resources of the state.¹³³

¹³³Baton Rouge State Times, May 1-July 1, 1950; Shreveport Times, May 1-July 1, 1950.

Long's successor, Robert Floyd Kennon, was elected on a wave of conservative reaction. Thus there was little or no demand for higher taxation since the Kennon administration kept the number and size of the budget increases to a minimum figure determined by the State's receipts.¹³⁴ This can be seen by referring to the sections dealing with teachers' salaries and the school lunch program, which were characterized by reductions or minimal increases. In these matters the State administration had the support and approval of the public press.

However, by 1954 a new situation had developed. The legislature convened for the second session of the Kennon tenure in an atmosphere charged with tension. Two national questions were responsible for much of this condition: (1) segregation and (2) the submerged lands issue.¹³⁵ The announcement of the United States Supreme Court that a decision was soon to be rendered in the case of Topeka versus Brown and the subsequent pronouncement of desegregation stunned the state and its legislators. On the other hand, problems mounted for the lawmakers as a

¹³⁴Baton Rouge State Times, May 23, 1952.

¹³⁵Shreveport Times, May 11, 1954.

record executive budget requested a total of \$600,000,000. Of this amount, \$248,852,378 or forty-one per cent was allotted to public education. The education forces pressed for a teachers' salary raise at an estimated cost of \$8,000,000 per year.¹³⁶

At that juncture, one of the severance tax related measures was attacked in court. The Louisiana Nevada Transit Company filed suit on grounds of constitutionality charging that the gas gathering levy was not imposed on gas gathering, but on gas used in interstate commerce. This tax had been first imposed in 1940 and was collected at the first meter from the source of production.¹³⁷

In a move to provide additional revenue and meet the threat to state income implied in the court action, a bill was offered to correct the gas tax and increase the rate from one cent to .023 per thousand feet.¹³⁸ The legality of this action was questioned in some quarters. However no major issue was raised by this proposal due to the prevailing anti-tax climate. The public press did not

¹³⁶Shreveport Times, May 24, 1954.

¹³⁷Ibid., May 22, 1954.

¹³⁸Ibid., May 13, 1954.

attempt any campaigns for or against the proposal which was compromised and remained at the 1948 one cent rate.

Since neither the Governor nor the United School Committee had envisaged the gas tax as the probable money source for the teachers' salary raise, the issue remained quiescent. During the fiscal session of 1955, the issue hinged upon tidelands monies and not revenue from severance taxes.¹³⁹ These non-appropriated sources permitted the maintenance of the status quo until 1956. As a sidelight, a new rule concerning the passage of tax laws was quietly passed and voted into the constitution prior to the 1956 regular session. This rule required a two-thirds majority vote in the House of Representatives and Senate for the approval of any new tax bills.¹⁴⁰

After a tempestuous campaign and a resounding victory at the polls, Earl K. Long returned to the governor's office in 1956. The Legislature and the Senate awaited the usual Long programs of tax and spend, even though the campaign had centered around no tax increase pledges. The pledges of support given to the teachers'

¹³⁹Lake Charles American Press, May 9, 1955.

¹⁴⁰Baton Rouge State Times, July 2, 1955.

groups and the social welfare program did not dovetail too closely with a no tax platform. The organized groups supporting public education in Louisiana were quietly preparing a new salary scale for the teachers and a new gas levy to provide the necessary financing. This was the situation as the legislature convened in Baton Rouge in May of 1956. Informed sources predicted a higher sulphur severance tax would be proposed by Governor Long.

As soon as the inauguration ceremonies were over, a number of bills made up of the teachers' salary schedule and the gas gathering tax increase was introduced in the house sponsored by Representative Horace Lynn Jones of Calcasieu and Senators B. B. Rayburn of Bogalusa and C. H. Downs of Alexandria. The estimated yield of the new tax would provide about \$32,000,000 annually to support the salary raises. The rate would be increased to .035 per thousand cubic feet of natural gas. Representative Jones told reporters that,

. . . we have no hesitation about placing this type of tax raise before the people of Louisiana, since it will tax our natural resources for investment in an expanded educational program. Approximately 80 per cent of the actual extra tax burden would be

paid by the millions of gas consumers in the North and East.¹⁴¹

With the appearance of a \$160,000,000 school budget, the magnitude of the spending for public education began to take shape.¹⁴²

The first organized opposition appeared in a bulletin published by the Public Affairs Research Council. The conclusions drawn by this group were extensively quoted and reprinted by the newspapers of the state. PAR asserted that no tax increases were necessary since the state treasury possessed a surplus of \$45,000,000. The PAR bulletin was distributed to members of the Legislature and to business and civic groups throughout Louisiana.¹⁴³

Governor Earl K. Long had scheduled his first message to the lawmakers on the night of May 21, 1956; most of the newspapers withheld editorial comment until the governor's views were known. Some, such as the Shreveport Times blended news and comment:

Education, already taking a forty per cent chunk of state revenues, seeks a one-third spending increase as the Louisiana legislature opens its second

¹⁴¹Shreveport Times, May 17, 1956.

¹⁴²Baton Rouge State Times, May 18, 1956.

¹⁴³Ibid., May 26, 1956.

week. Budget officers indicated that they have insisted that the teacher pay raise be handled in a separate measure providing its own revenue.¹⁴⁴

After outlining his program to the joint session in a rambling sometimes ambiguous speech, Governor Long said, "I don't have any particular taxes, but I want the teachers to be treated right." He dealt with the subject of an increase in the sulphur tax at length, but seemed to avoid any outright position on the gas gathering tax.¹⁴⁵

The message seemed to be the signal for a wave of protest against taxes from many quarters. The following editorial assailed the sulphur severance tax increase:

In a prominently displayed editorial in this week's issue, Chemical Week, a publication of chemical industry says: "The business climate in Louisiana may be changing for the worse. At least that's what some chemical executives fear. The state's new governor, Earl K. Long, is pushing for a substantial increase in the sulphur production tax . . . now pegged at \$1.03 per long ton. Some sources in Baton Rouge where the state legislature is convened this Monday even reports that he wants to quadruple the tax. . . . But the question facing chemical management in general is even broader. Does the threat of such a tax foreshadow an unfriendly attitude in Louisiana toward business in general?"¹⁴⁶

In the issue of May 23, 1956, the Shreveport Times

¹⁴⁴Shreveport Times, May 22, 1956.

¹⁴⁵Ibid.

¹⁴⁶Ibid., May 23, 1956.

editorialized, "Now Mr. Long Poses As A Dumb Bunny." The Times reiterated the no tax pledge of the campaign, accusing the state administration of deserting its campaign platform.¹⁴⁷

In the state capital, a spokesman for the Mid-Continent Oil and Gas Association attacked the natural gas tax at a breakfast meeting of the industrial committee of the Chamber of Commerce. The speaker, Charles Wilkins, received adequate newspaper coverage for his comments, as expressed below:

Should this bill pass, it would be like killing the goose that laid the golden egg. If you were responsible for locating a new industry in the South and you knew for example that to locate in Louisiana would cost you a million dollars more than a neighboring state, your choice of a site would be obvious. The passage of this tax will also undoubtedly influence the industrial expansions and the payrolls of our existing industries. . . . Of course we want to see teachers receive higher wages, even though Louisiana teachers are now better paid than those in any other Southern state. We have no more precious asset than our children and we certainly want to make sure that those who are charged with their education are rewarded. On the other hand, if industry goes elsewhere, then our young people will have to go elsewhere for jobs when we could have them at home. Natural gas is used more and more as a raw material especially in the chemical industry and Louisiana is rapidly becoming the chemical

¹⁴⁷Baton Rouge State Times, May 24, 1956.

center of the nation, depending upon the availability of good rates for natural gas. Added taxation for this vital resource will undoubtedly have a serious effect on our industrial expansion.¹⁴⁸

Before adjourning the Chamber passed a resolution in opposition to the gas tax.

The Public Affairs Research Council's weekly legislative bulletin claiming the gas tax to be a threat to new industries was reprinted by the newspapers. The gist of this bulletin as appearing in the Baton Rouge State Times of May 26 stated:

The Public Affairs Research Council said today a sharp increase in the state's natural gas tax could affect industrial locations in the state. Commenting in its weekly legislative bulletin on the proposed tax increase of .025 per thousand cubic feet, PAR said that Louisiana's severance and gathering taxes presently amount to about 13 per cent of the average field price, estimated at .10 per thousand feet. PAR said that if the proposed tax is approved, the Louisiana rate would rise to 38 per cent of the field price. The council said that a 10 to 20 per cent increase in the price of gas could influence the decisions of several industries currently planning operations in Louisiana. PAR noted that some industries now using gas have convertible boilers and could switch to the use of coal. A shift to coal would have serious implications for Louisiana's gas industry. And, it might raise costs to resident consumers by four per cent and to commercial firms by seven per cent. The council said that electricity costs would also rise

¹⁴⁸Baton Rouge State Times, May 26, 1956.

since gas is used in the generation of electricity. It is estimated that 45 per cent of the gas produced in Louisiana is consumed in Louisiana.¹⁴⁹

In line with the effects-of-the-tax approach of PAR, the Shreveport Times gave front page attention to an analysis of the cost of the Caddo-Bossier parish area. This article contended that a two-parish tax hike of \$2,112,000 would result. The impact of the tax on industry was re-emphasized.¹⁵⁰

At this point the state administration moved to increase state welfare payments by transferring funds formerly used for teachers' salaries from the sales tax proceeds. To balance the effects of this transfer, Long sought an increase in the sulphur severance tax from \$1.03 per long ton to \$3.00 dedicated to teacher pay.¹⁵¹ PAR immediately issued a bulletin scoring the proposed sulphur raise.¹⁵² The editorial mills followed this lead grinding out articles with such captions as, "New Taxes Would

¹⁴⁹Baton Rouge State Times, May 26, 1956.

¹⁵⁰Shreveport Times, May 26, 1956.

¹⁵¹Ibid., May 27, 1956.

¹⁵²Ibid.

Hamper Progress"¹⁵³ and "Driving Industry Out of Louisiana."¹⁵⁴

In the interim, the House of Representatives voted 99-2 for the new teachers' salary schedule.¹⁵⁵ The bill went on to the Senate where it was quickly passed on to the governor's desk to become Act No. 3, 1956.¹⁵⁶ The companion measure gas gathering tax met vocal opposition in the House Appropriations Committee hearings. The public press began to clamor for amendments to the bill in such a manner as to give the impression that changes were already contemplated.¹⁵⁷ Representative Horace J. Jones of Calcasieu, author of the bill gave this credence by stating that the intent of the bill had never been aimed at hurting Louisiana industry.¹⁵⁸ As if in response to Jones' statement, the Cabot Carbon Company, the state's largest producer of carbon black, entered a release to the press to

¹⁵³Shreveport Times, May 29, 1956.

¹⁵⁴Ibid., June 3, 1956.

¹⁵⁵Baton Rouge State Times, May 28, 1956.

¹⁵⁶Shreveport Times, June 5, 1956.

¹⁵⁷Baton Rouge State Times, June 1, 1956.

¹⁵⁸Shreveport Times, June 2, 1956.

the effect that if the gas tax passed the carbon firm would have to leave the State.¹⁵⁹

As the appropriations committee hearings began, these and other views were expressed in opposition to the gas gathering levy, as may be noted in the following excerpts from the proceedings:

Charlton Lyons, president of the Mid-Continent Oil and Gas Association and speaker against the gas gathering tax: 'The issue is not teachers' pay raises but whether a single industry is to be singled out for a confiscatory and punitive tax. Industry will be driven to other states offering cheaper natural gas; already Louisiana's tax on natural gas is the highest in the nation. It is higher than neighboring Texas or Arkansas.'

W. B. Turner, president of the Louisiana Power and Light Company: 'I too am for good schools, and in the development of our state, industry should provide the taxes for the schools. While these amendments clear some matters of concern to me, other problems are still in doubt. This bill might be more palatable if public utilities were exempt. This bill would cost Louisiana Light and Power consumers a million dollars more a year.'

Rolle Rand, vice-president of the Shreveport Chamber of Commerce: 'Population follows industry, and the people must go where they can earn the best living. How can we go out and solicit industry if we can't keep what we have?'¹⁶⁰

Following this parade of witnesses representing

¹⁵⁹Shreveport Times, June 3, 1956.

¹⁶⁰Baton Rouge State Times, June 4, 1956.

corporate interests in the oil and gas field, proponents pointed out that the amendments would free 75 per cent of Louisiana industry using gas from the tax and would exempt other Louisiana industries using gas in manufacturing from the tax raise although they would continue paying at the present rate. Two proponents defended the bill and advocated its passage:

Senator C. H. Downs, floor leader and a co-sponsor of the gas tax: 'The question is simply this, what is Louisiana willing to pay for the education of its children? The house has already passed overwhelmingly a bill granting the teachers a higher salary schedule. And I know of no other resource the state can call upon for this extra revenue. We're confronted with one of the greatest lobbying forces we've ever seen in the history of the legislature. Certainly the gas industry doesn't want to pay this tax raise. But somebody's got to pay the bill. The increased cost of Louisiana education next year without any increase in teacher pay, will be fifteen million dollars. Enrollments will jump 25,000 next year. If Louisiana is going to get up from the bottom of the illiteracy ladder, we must find the money.'

Parish Superintendent James Redmond, New Orleans: 'Orleans can expect 10,000 more children and we will have to hire at least 250 more teachers. We are much concerned whether we will be able to compete with industry in obtaining the necessary teaching personnel.'¹⁶¹

While administration leaders sought ways to make

¹⁶¹Baton Rouge State Times, June 4, 1956.

the gas tax bill painless to industry by exempting residential consumers and manufacturers using gas to process out-of-state natural resources, the House Ways and Means Committee began hearings on the sulphur tax. Governor Earl K. Long using tactics reminiscent of his brother Huey, took the floor in the committee room "several times to deride, cajole, threaten, chide, admonish, and deride the opponents of the measure and the members of the house committee." The principal speaker against the tax increase was Z. W. Bartlett, vice-president of the Freeport Sulphur Company. Bartlett presented a detailed discussion of the harm such a tax would do to the sulphur industry, using charts to illustrate his talk. The Freeport executive said that under the present tax, which was passed in 1938, sulphur production in the state has increased from 328,000 tons to 2,081,000 tons, employees have risen from 380 to 1,780 and tax contributions have increased sixfold. He stated that Louisiana, which produces only one-eighth of the world's sulphur, must be able to compete with Texas and Mexican mines. Bartlett warned that increased costs forced by higher taxes would probably force the smaller, marginal Louisiana mines to shut down, bringing to halt exploration, development and location of new sulphur

deposits and would result in a loss of jobs, payrolls, and revenues. Hugh Bowers of the industrial development bureau of the New Orleans area Chamber of Commerce, suggested to the committee that "perhaps an examination of some other operations of government would allow the state to get this money without increases in taxes." Under the direct and personal pressure of Governor Long, the House Ways and Means Committee voted to approve the raise in the tax.¹⁶²

The action of the committee on the sulphur tax caused the newspapers and various groups of opponents to protest vigorously against not only the gas and sulphur taxes but against any and all taxes.¹⁶³ There was a wide range of types of organizations as the opposition sought to influence as broad a segment of public opinion as possible. On one hand, this involved the publication of a demand for the defeat of new taxes made by the Monroe Area Industrial Development Corporation, an industrialization promotion organization.¹⁶⁴ On the other hand farmers were told that a higher sulphur tax meant a higher price for

¹⁶²Baton Rouge State Times, June 5, 1956.

¹⁶³Shreveport Times, June 6, 1956.

¹⁶⁴Ibid.

chemical fertilizers and insecticides. August Petrus, president of the Cotton States Chemical Company declared in a telegram to the legislature which was released to the newspapers, that "more than one-third of the sulphur produced in the state goes into the manufacture of fertilizers, insecticides and fungicides and other agricultural needs."¹⁶⁵

The efforts of the teachers' organizations drew vitriolic assaults from the editorial writers of the state such as this one which appeared in the Shreveport Times:

When teachers let themselves be used to strangle any business or industry economically, they are biting the hand that feeds them, but too many of them do not seem to realize it.

Teachers and teachers' organizations did not conceive the gas gathering tax hike or any other tax as a means of getting their pay increased. They are simply the goats in the matter, but on the basis of demonstrations at the committee hearings Monday and on the basis of failure of any teachers or teachers' organizations to speak up, they are willingly letting themselves be the goats for the sake of the money which they may get in return.¹⁶⁶

In this setting the House Ways and Means Committee finally approved a substitute gas gathering tax bill at

¹⁶⁵Shreveport Times, June 17, 1956.

¹⁶⁶Ibid., June 6, 1956.

.025 per thousand. This measure freed Louisiana from the tax boost. The effect of the bill would be to pass the extra tax along to out-of-state consumers and to Louisiana domestic residential consumers. The tax would place a levy of approximately seventy-five cents on the average home consumer and would yield an estimated \$25,000,000.¹⁶⁷

As a showdown on the proposed taxes loomed, Governor Long announced that he would address the legislature on the subject of the increases, which he did on June 16, 1956. In a legislative news item the Shreveport Times commented that:

. . . but heavy opposition has continued and may be increasing. Opponents of the taxes have worked day and night getting house members to pledge that they will stand firm and vote against all taxes.¹⁶⁸

Using material supplied by PAR to all the papers, most of the major dailies carried the line that no more taxes were necessary on front page leads and heavy double columns editorials. A number of these articles appeared immediately before the governor's address and immediately following.

¹⁶⁷Baton Rouge State Times, June 11, 1956.

¹⁶⁸Shreveport Times, June 16, 1956.

The following excerpts from an editorial of June 17, 1956 illustrate this point:

The present administration is rolling in money now and its spending wealth, provided by the tax-paying public is expected to grow steadily through each succeeding year without any change in present tax rates.

If legislators will think just a little about this, they will find it impossible to justify a vote for any tax increases.¹⁶⁹

Through the medium of letters to the editor, most newspapers find some support, approval and corroboration of their viewpoints and policies. This brief letter is representative of the type received by the papers during the gas and sulphur tax controversy:

Editor, The Times;

Congratulations on your splendid and fearless editorial on the deplorable action by the Louisiana School Teachers. To write as you did requires real American courage.

Keep up the good work!

Sincerely,
W. J. Thomas¹⁷⁰

The frequent occurrence of such letters from a wide range of localities throughout the state indicated that the opposition of the newspapers to both the tax and the

¹⁶⁹Shreveport Times, June 17, 1956.

¹⁷⁰Ibid.

activities of the teachers' organizations had some public support.¹⁷¹

Representative of another type of opposition to the proposed levies was an organization calling itself the Better Government Association of Louisiana. This group purchased advertising space (half-page) in the papers of north Louisiana. This advertisement titled, "What Happened to the No Tax Pledge?" was devoted to quoting verbatim the June 9, 1956 bulletin of the Public Affairs Research Council. The theme was the same that was used in the editorial article,

The executive budget, with substantial increases in several major state functions, can be balanced this fiscal year without any increase in state taxes by making use of surpluses which accumulated because revenues have exceeded estimates.

In all of these articles the thread of consistency was the same, "Louisiana does not need these new taxes."¹⁷²

The version of this same item which appeared in the Baton Rouge publications received a slightly different slant. The area from Baton Rouge to New Orleans had

¹⁷¹Baton Rouge State Times, June 13, 1956.

¹⁷²Shreveport Times, June 18, 1956.

experienced a tremendous expansion in industrialization since 1950. Hence these advertisements played the "tax raid on industry" argument for the consumption of the reading public that had experienced vital changes in their economic status as a result of industrial growth. This paragraph was an excerpt from the advertisement which appeared in the Baton Rouge State Times of June 18, 1956:

The result of the pledge breaking tax raid on industry is already evident. All over the country, Louisiana's reputation as a good place to build and work and live is being destroyed. What industrial planner would put a plant in a state where the administration promises no tax increases and then turns around and doubles and triples taxes? This ruinous new tax policy will mark the end of new industrial payrolls and tax revenues for Louisiana.¹⁷³

The Freeport Sulphur Company used the same device to support its resistance to the new tax. This article was composed of quotations and titles taken from numerous editorials from newspapers in Louisiana and Texas. Such diverse outside sources as the New York Times, Newsweek magazine and the Wall Street Journal were used to reinforce this commentary. Heavy emphasis was laid upon material drawn from various small-town papers, especially

¹⁷³Baton Rouge State Times, June 18, 1956.

those with industrial development or hope of such.¹⁷⁴

Bastrop, Louisiana, for example, is a typical one-industry small town located in extreme northeast Louisiana, dependent upon the Kraft paper plants of the International Paper Company. The manufacture of this type of paper from pine pulp requires large amounts of sulphuric acid and powerful alkaline reagents. Thus, as a related industry, paper has a direct interest in the cost factors which more expensive sulphur might introduce into their operations within a highly competitive type of production. The use of this item from the Bastrop Daily Enterprise, indicates an attempt to broaden the front of resistance to the severance bill by the related industries route:

Governor Long's suggestion of hiking the tax on the sulphur industry is going to be a threat to the state's economy--instead of bringing in new revenue, a new and bigger tax is likely to 'kill the goose that laid the golden egg.'¹⁷⁵

Monroe, Louisiana, like Bastrop, also has a large Kraft paper mill and has ambitions for extensive industrial development. The Monroe Morning World (controlled by the same syndicate as the Shreveport Times) warned;

¹⁷⁴Shreveport Times, June 18, 1956.

¹⁷⁵Bastrop Daily Enterprise, May 24, 1956.

Three weeks of the Earl K. Long administration has brought about a threatening economic crisis in Louisiana, that may affect every business and industry in the state. The crisis approaches-- and it involves possible wholesale cancellation of industrial plans that would have made Louisiana one of the leading manufacturing states of the South.¹⁷⁶

Sulphur, Louisiana, the site of the first successful Frasch process sulphur mines in the state, is no longer a producer of that mineral but has perhaps even greater interest in the related industry aspect than in the original product. Located near and part of the second largest center of chemical production in Louisiana, the following comment from the Sulphur Southwest Builder is relevant:

House Bill Number 671, designed to triple the present sulphur \$1.03 severance tax to \$3.00 per ton, has no place in the state legislature. It should never have been written, much less allowed to reach the house floor.¹⁷⁷

Governor Long addressed a joint session of the legislature on the subject of taxes, June 17, 1956. He scrapped his plan to make taxes more palatable to Louisiana industry by proposing the removal of exemptions from the gas gathering tax and presumably from the sulphur tax. He compromised slightly by agreeing to accept a slight decrease in

¹⁷⁶Monroe Morning World, June 6, 1956.

¹⁷⁷Sulphur Southwest Builder, June 1, 1956.

his proposed rate on sulphur and a 50 per cent cut in the proposed gas gathering increase.

Governor Long's address was evaluated by the editorial writers in various ways. The Baton Rouge State Times used the same title on the editorial page as appeared on the front page lead, "Cut To Double Gas Tax." This was another instance of blending editorial comment into items which were purportedly straight news reports. In this case the front page line served to provide a topic for editorial explanation:

Governor Long's most recent proposal on the gas gathering tax increase is a weird combination of reduction and increase. . . . He now proposes to eliminate the exemptions for Louisiana's gas using industries.

Budgetary experts estimate that one and one-quarter cent increase over the current rate will bring about sixteen million dollars a year which presumably although it is specifically tied in the language of the bill would be used to give the teachers a 'half a loaf' increase in salary.

This (the proposed tax) will create a formidable roadblock in further development of industry in the state and will tend to curtail industry, even the governor did not literally mean that all exemptions would be taken off. Present law exempts carbon black, gas used in recycling and gas used in the production of oil and gas.

It is conceivable that this reduction in industrial use in the state will be so great that the state will get less from the higher tax than from the present tax.¹⁷⁸

¹⁷⁸Baton Rouge State Times, June 18, 1956.

At the opposite end of the state, the Shreveport Times carried a statement in a news article on the front page: "The major tax proposal was originally introduced to produce 32 million for teachers' pay raises. It was the target of widespread criticism because of fear it might scare off new industry." Editorially the Times continued the "no need for taxes of any kind" policy.¹⁷⁹

In more specific reference to the reduced gas tax proposal, a whimsical editorial entitled, "Taxes and the Sorcerer's Apprentice," was published in the June 20th issue of this paper.¹⁸⁰

The defeat of the gas gathering tax increase in the House by a vote of 64-35 was hailed by banner headlines in the papers of the state. The house chamber and gallery was filled with teachers during the two-hour debate. One of the speakers opposing the bill, Representative Algie D. Brown of Caddo Parish criticized the role the teachers' forces had played in the gas bill struggle, saying "the teachers have been duped into supporting an administration

¹⁷⁹Shreveport Times, June 18, 1956.

¹⁸⁰Ibid., June 20, 1956.

tax bill."¹⁸¹ This was given prominent notice in all of the metropolitan dailies of the state. The administration floor leaders salvaged the bill for reconsideration, but on June 25, 1956, the gas gathering bill was finished. The move to reconsider was roundly criticized for fear that Governor Long would bring sufficient executive influence to bear and secure passage on the second vote. This, however, did not change the vote of the opposition group, which had been nicknamed the "thirty-four club." The press was jubilant, even triumphant.¹⁸²

In this atmosphere of successful resistance, the sulphur bill, defeated previously, was likewise doomed to failure. An attempt to secure a compromise sulphur tax at the Texas rate of \$1.40 per ton was unsuccessful in the House Ways and Means Committee.¹⁸³ With the demise of this tax bill, the newspapers attempted to return to their previous contentions that sufficient monies were available for teachers' salaries. Thus the battle for severance taxes in 1956 ended in a victory for the anti-tax forces.

¹⁸¹Shreveport Times, June 21, 1956.

¹⁸²Baton Rouge State Times, June 26, 1956.

¹⁸³Ibid., June 27, 1956.

The Sales Tax

The imposition of a tax upon the retail and whole-sale transactions of all types of business enterprise, paid by the purchasers, collected and transmitted to the State's treasury by the vendors, comprises one of the most effective forms of taxation yet devised. The tax has the advantage of wide application, including in the ranks of taxpayers persons who ordinarily would not pay taxes. The levy can be collected with a minimum expense. The revenues derived from the sales tax vary with the economic conditions current at any given time. Inflation periods produce correspondingly greater proceeds than periods of deflation. The Louisiana state sales levy was instituted in the deflationary period of severe economic depression. By increasing the levy as the economy improved the natural increase of revenue has risen, vastly raising the state's income. Thus from a meager beginning a major revenue source was developed.

The first significant sales levy was proposed in 1930. Representative Lorris Wimberly of Bienville Parish introduced a measure to impose a one-cent sales tax, dedicating 50 per cent of the proceeds to the various state

educational institutions and the public schools. This bill died a quiet death, attracting very little attention.¹⁸⁴

Two years later another such bill was introduced by the same Representative Wimberly. The 1932 version was a very intricate measure. A graduated sales tax based upon volume of retail sales was proposed to place a tax of one mill on sales of \$100,000 or less, two per cent on sales above \$1,000,000.¹⁸⁵ In the vast opposition to the tax program of Governor Oscar K. Allen the sales levy bill was swept along with the tide. Without strong administration backing the bill passed from public attention.

The first sales tax to be voted by the Louisiana state legislature was enacted in the regular session of 1936.¹⁸⁶ After several abortive attempts the sales levy was finally passed, primarily as a source of income for the property tax relief fund, not for public education.¹⁸⁷

¹⁸⁴Baton Rouge State Times, June 27, 1930.

¹⁸⁵Shreveport Journal, May 31, 1932.

¹⁸⁶Acts of Louisiana, 1936, Act No. 75.

¹⁸⁷Acts of Louisiana, 1938, Act No. 2.

The 1938 revision of the sales tax created very little public interest. The newspapers of Louisiana were generally apathetic toward this legislation.¹⁸⁸ The "Louisiana Scandals" which were revealed in 1939, helped elect Sam H. Jones on a reform platform. Jones advocated a program of tax repeal and revision. His first message to the Legislature urged: "Repeal the sales tax which strikes at those least able to pay the burden of taxation."¹⁸⁹ Two bills were introduced early in the session to accomplish the sales tax repeal.¹⁹⁰

From this point onward, the situation became confused. Governor Jones had not planned for substitute taxes or budgetary revisions to compensate adequately for the loss of the sales tax revenues. The strong anti-Jones, pro-Long faction of legislators did not hesitate to criticize the governor on this point. The confusion was added to by the press and various organized groups.

Governor Jones proposed the substitution of a greatly increased natural gas gathering tax to replace the

¹⁸⁸Baton Rouge State Times, May 21, 1940.

¹⁸⁹New Orleans Times Picayune, May 16, 1940.

¹⁹⁰Baton Rouge State Times, June 7, 1940.

monies formerly produced by the sales tax.¹⁹¹ The groups which had been seeking the sales tax repeal found themselves in a dilemma. If they continued to work for the repeal of the sales levy, they supported the gas gathering tax by indirection. If they opposed the gas gathering tax, then they also opposed the sales repeal by indirection. The opposition faction in the Legislature did not fail to make use of this paradox.

In the complex parliamentary manipulation which followed, the sales tax was repealed by opposition aid.¹⁹² Then in the face of protests by the newspapers and the Louisiana Association of Manufacturers, the same anti-Jones legislators gleefully voted to increase the oil severance taxes and to pass a one-cent gas gathering tax.¹⁹³

The sales tax controversy smoldered until the war time session of 1942. In an effort to shift responsibility for tax proposals to the Legislature, Governor Jones submitted two budgets to that body. One of these was based

¹⁹¹New Orleans Times Picayune, June 21, 1940.

¹⁹²Ibid., June 29, 1940.

¹⁹³Ibid., May 14, 1942.

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¹⁹¹New Orleans Times Picayune, June 21, 1940.

¹⁹²Ibid., June 29, 1940.

¹⁹³Ibid., May 14, 1942.

upon current rates of income and expenditure; the other upon such additional revenues as the legislature might provide.¹⁹⁴

The sales tax was the most obvious source of increased monies. The original one-cent sales tax applied to retail sales only. The two per cent sales levy introduced by Representative Paul F. Stinson of Jackson Parish was a tax on wholesale transactions. It was estimated that returns from this tax would be between \$10,000,000 and \$15,000,000 annually. Fifteen per cent of the proceeds, not to exceed \$1,100,000 yearly would be distributed to the parishes to compensate for the wartime reduction in receipts. The bulk of the sales tax proceeds would go to the general fund.¹⁹⁵ State Budget Officer James I. Smith disclosed that the state authorities had agreed to give the schools \$2,000,000 annually from the state general fund, should the wholesalers tax be enacted. Smith also made public a statement showing an estimated yield of \$13,200,000 per year for the new tax.¹⁹⁶

¹⁹⁴Baton Rouge State Times, May 28, 1942.

¹⁹⁵Ibid., June 1, 1942.

¹⁹⁶Ibid., June 2, 1942.

This report seemed to ignite an explosion of protest and resistance to the Stinson bill. A campaign to defeat the bill was organized by the Baton Rouge Chamber of Commerce. The press reported:

Plans for a statewide organization to fight the proposed two per cent tax on wholesalers were outlined at a meeting of several hundred merchants here yesterday. The Chamber of Commerce sponsored the meeting at the Heidelberg Hotel. Asserting that the tax has many undesirable features, several hundred Baton Rouge wholesale and retail merchants who attended the meeting planned a vigorous campaign against the tax. The merchants present stated emphatically that the additional tax burden at this time would force many merchants out of business and retard the orderly readjustment of today.¹⁹⁷

More in this same vein appeared on June 4, 1942:

A strong protest against House Bill 438 was registered by retailers and wholesalers from Alexandria, Kentwood, Plaquemine, Baton Rouge, Shreveport, Lake Charles, Monroe, New Orleans and Lafayette. Presiding was George Carnes, president of the New Orleans Association of Commerce, who suggested a cooperative attitude and not oppose all taxes, after all the two per cent can be passed on to the retailer who can get it from the consumer. . . . Other suggestions were offered, such as additions to the income tax, transaction taxes of two per cent, etc.¹⁹⁸

Representatives from the Retail Grocers' Association

¹⁹⁷Baton Rouge State Times, June 4, 1942.

¹⁹⁸New Orleans Times Picayune, June 5, 1942.

the New Orleans Association of Commerce and the Louisiana Manufacturers' Association conferred with state leaders. The business leaders claimed that the Stinson bill would impose an unworkable tax. A straight sales tax on the consumer was offered as a substitute. This tax would be collected by the retailers.¹⁹⁹

For the next several issues, the newspapers carried a running coverage of the sales tax controversy. Amendments to the original bill were suggested. As the House Ways and Means Committee hearings began, a movement had started to push a compromise general one-cent sales tax with a two-year life span.²⁰⁰ The anti-administration forces assailed the sales tax proposals at the public hearing.²⁰¹

To combat the resistance to any form of sales tax, Governor Sam Jones called upon State Superintendent John E. Coxe and the school groups to support the tax measure. He pointed out that because of reductions in severance taxes by war conditions, "it is practically certain that

¹⁹⁹New Orleans Times Picayune, June 10, 1942.

²⁰⁰Ibid., June 12, 1942.

²⁰¹Ibid., June 14, 1942.

we shall suffer serious reductions in the state's school support unless the sales tax is passed."²⁰²

Attempting to bolster the administration's position in the Legislature Jones sent in a letter stating his recommendations on the sales tax plan. He stated that it was a question of the sales tax or nothing. The governor said that the defeat of the bill would "deny the needy, reduce salaries of teachers and bus drivers, cripple your police juries and school boards and turn a deaf ear to every humanitarian impulse you have." The Police Juries' Association came to the Governor's aid urging the passage of the measure "for the emergency."²⁰³ Forty parish superintendents sent a resolution to the legislators approving the sales tax bill. Every effort was made to swing public opinion behind the general one-cent sales tax.²⁰⁴

The measure passed the House of Representatives by a bare margin of 51 to 43.²⁰⁵ After approval by the Senate Finance Committee which had been urged by the

²⁰²New Orleans Times Picayune, June 16, 1942.

²⁰³Ibid., June 17, 1942.

²⁰⁴Ibid., June 18, 1942.

²⁰⁵Ibid., June 23, 1942.

governor and education forces,²⁰⁶ the bill came to the floor of the Senate only to be defeated.²⁰⁷ The failure of the tax to pass caused a gap in the State's budget.²⁰⁸ This forced a special session of the legislature in which the general sales tax of one cent was enacted for two years.

In 1944, the Davis administration was able to obtain an extended life for the sales tax of one cent as a wartime measure.²⁰⁹ Attempts to increase the sales levy rate were defeated without fanfare.²¹⁰ The tax issue was dwarfed by the events of World War II.

The administration of Earl K. Long secured the passage of a two-cent sales tax in 1948, as part of a larger campaign for revenues.²¹¹ The Louisiana Retailers' Association did not single out the sales levy for special

²⁰⁶New Orleans Times Picayune, June 24, 1942.

²⁰⁷Baton Rouge State Times, June 26, 1942.

²⁰⁸New Orleans Times Picayune, June 13, 1944.

²⁰⁹Ibid., June 29, 1944.

²¹⁰Ibid., June 18, 1946.

²¹¹Shreveport Times, June 5, 1948.

resistance.²¹² The disappearance of anti-sales tax editorials, advertisements and other items seemed to indicate that the sales levy had gained a degree of acceptance.

Miscellaneous Taxes

In the effort to find sources of revenue for public education in Louisiana, many expedients have been tried, for a variety of reasons. However, most of the tax bills were ineffective because their returns were insufficient to meet the purpose for which they were levied. Some were too unpopular, some were too expensive to collect. All failed to raise the needed funds; all were taxes of indirect application. The tobacco and malt taxes, owing to the unique types of commodities taxed, serve as prime examples of these miscellaneous taxes which played a part in the growth of state support of public education.

The tobacco tax. Tobacco has long been subject to excise imposts. As a valuable commodity in common use, an indirect tax upon tobacco has wide application. It would seem that such a tax measure would yield adequate revenue for the support of education. The Legislature operated

²¹²Baton Rouge State Times, May 28, 1948.

under this assumption in passing the tobacco tax of 1926. This Act of 1926 placed an impost of 10 per cent on the retail price of tobacco.²¹³ Businesses engaged in merchandizing tobacco products objected strenuously and sought to have the tax repealed. This may be seen from the attitude of the Baton Rouge Chamber of Commerce in 1928. At this time the legislature was considering proposals to revise the tobacco tax or provide substitute revenues from severance proceeds to support the state public school fund. Labeling the tobacco excise as a nuisance tax, the board of directors of the Baton Rouge Chamber of Commerce declined to take any action, for or against the then existing tobacco tax law or any program related to the support of public education.²¹⁴ Other newspapers, especially the metropolitan dailies joined in advocating relief from the "nuisance tobacco tax." This attitude of resistance characterized a segment of public opinion on the issue.²¹⁵

State Superintendent of Education Thomas H. Harris mailed out a circular letter to all the parish and city

²¹³Acts of Louisiana, 1926, Act No. 197.

²¹⁴New Orleans Times Picayune, May 16, 1928.

²¹⁵Ibid., May 23, 1928.

superintendents of the state, urging a repeal of the tobacco tax and the substitution of the severance levy to replace the revenues. This letter, released to the press, received front page coverage under the caption, "Repeal Tobacco Tax Substitute Severance Levy."²¹⁶ Governor Huey P. Long's message to the legislature favored repeal of the tobacco tax without making the schools suffer.²¹⁷

The public press of the state supported and approved the tobacco excise repeal. The grass roots nature of this appeal was evident from the editorials which appeared in the smaller publications, such as the Bogalusa Enterprise:

The announcement from the state capitol that the tobacco tax law will be repealed merely proves that it is next to impossible to enforce an unpopular law. Thousands of Louisianians petitioned the legislature in 1926 not to saddle the tobacco tax on the tobacco consumers, but it went through. Other states have had similar laws which seemed to work satisfactorily, but the law never did meet with satisfaction in Louisiana. Many dealers ignored it in spite of the often threatened and often inflicted penalties. This worked a hardship upon the dealer who did observe it, with the result that the law became more unpopular each day. In abolishing this law, Governor Long is fulfilling one of his campaign promises and his giving himself and the legislature another difficult task--that of

²¹⁶New Orleans Times Picayune, May 22, 1928.

²¹⁷Baton Rouge State Times, May 23, 1928.

providing funds to carry on the state's progressive program of education.²¹⁸

There was strong opposition in the legislature to the proposed tobacco tax repeal. Senator Norris C. Williamson of East Carroll Parish, the leader in the fight against tobacco excise repeal declared:

The public school fund is in serious danger of being seriously impaired and the charitable institutions of the state stand a good chance to be hampered in their operations if the severance tax is dedicated to the public schools to make up the deficit caused by the repeal of the tobacco tax.²¹⁹

The opponents of the repeal bill were answered by such editorials as those which appeared in the New Orleans Times Picayune. The Picayune ran a series of nuisance tax editorials advocating repeal, such as that which appeared on June 8, 1928.

Rumors that the administration has modified its attitude with respect to repeal of the tobacco tax were disposed of yesterday by Governor Long's statement that he desires the repeal of that nuisance levy 'as soon as the legislature can wipe it off the statute books.' He added that he has urged the ways and means committee to report a tobacco tax repeal bill 'as quickly as possible,' Baton Rouge dispatches have intimated that influences were at work seeking to delay the repeal and the rumors which prompted Governor Long's emphatic

²¹⁸Bogalusa Enterprise, May 27, 1928.

²¹⁹New Orleans Times Picayune, May 31, 1928.

statement should clear away any doubt or misunderstanding of the administration's position.

Repeal of the nuisance tax on tobacco should be voted by the General Assembly without delay and without hesitation. State Superintendent Harris who sponsored the tax and secured its adoption, has frankly admitted that it is 'unsatisfactory and impossible of better enforcement.' Most Louisianians resent it as an unfair and burdensome imposition. Many evade its payment--a few by making their tobacco purchases from merchants in other states which have wisely refrained from levying such a nuisance tax. Its admitted 'impossibility of better enforcement,' its injury to Louisiana business, its inequity, unsoundness and unpopularity combine to make an irresistible argument for its repeal. That is one task which the Legislature should tackle and accomplish surely, promptly and with little or no divisions.²²⁰

State Superintendent Thomas H. Harris favored the repeal and endeavored to secure the support of parish superintendents and other school officials throughout the state to work for the passage of the McClanahan repeal bill. Harris' circular to these school men stated:

The present tobacco tax law is unsatisfactory and it seems impossible of proper enforcement. In view of all the facts it seems to me highly desirable that we get away from this source of school revenues and substitute a source that will be more stable and more satisfactory from every standpoint.²²¹

The Harris letter, published in most of the news-

²²⁰New Orleans Times Picayune, June 8, 1928.

²²¹Baton Rouge State Times, May 22, 1928.

papers of the state, should not be taken to imply unanimity among the education groups. The state colleges and certain northern parishes, such as Caddo did not agree.

The Supervisor of Public Accounts, William N. McFarland, issued a statement which was widely printed, declaring the tobacco excise tax to be unsatisfactory.²²² The avails of the tax were far below what the estimates based upon volume of sales had indicated. Prior to this pronouncement the parish police jurors had proposed the continuation of the tobacco excise, but in a revised form. This revised tax would dedicate the revenues to public education and shift the burden of affixing the tax stamps from the tobacco retailers to the wholesalers.²²³

The repeal was finally pushed through by a combination of popular and political opinion.²²⁴ When the shortage of funds for state aid to public education became acute in 1930, a search for revenue sources began. The attention of the legislators again centered on the tobacco excise tax. Since the prevailing journalistic attitude

²²²Baton Rouge State Times, May 15, 1928.

²²³Ibid., April 25, 1928.

²²⁴New Orleans Times Picayune, June 29, 1928.

was anti-tax, the announcement of the contemplated tax received front page coverage. The Baton Rouge State Times carried the following front page lead on May 26, 1930:

A new tobacco tax for Louisiana will be introduced in the House of Representatives to provide additional school funds in the state; it was learned today on good authority. The tax would provide for a levy of fifteen per cent on the wholesale price of tobacco and tobacco products. It is estimated that \$1,250,000 will be earned a year. The proceeds of the tax would go into the current school fund and would, after adding current revenues, provide a per educable of \$10.00.²²⁵

Substantially the same article appeared in the Shreveport Journal on the same afternoon. The Journal item was captioned, "Tobacco Tax Bill Rumored."²²⁶

With the introduction of such a bill by Representative N. Smith Hoffpauir of Acadia Parish, legislative advocates of the new tobacco excise measure made statements for the press.²²⁷ Representative Camille Sayes of Avoyelles Parish said, "if we can vote taxes on tobacco or rouge for the schools, I am going to vote for it."²²⁸ Representative

²²⁵Baton Rouge State Times, May 26, 1930.

²²⁶Shreveport Journal, May 26, 1930.

²²⁷Baton Rouge State Times, May 26, 1930.

²²⁸Ibid., June 17, 1930.

Charles E. Holcombe of East Baton Rouge Parish stated:

"If you want to finance the schools, re-enact the tobacco tax which was repealed in 1928 because it was objectionable to the retailers. The people of the state want a tobacco tax."²²⁹

The tobacco act was soon caught up in a storm of protest against any and all new taxes.²³⁰ The newspapers editorialized against further levies and demanded tax relief, and retrenchment in state spending. Wide publicity was given to rallies, meetings and public utterances for all kinds which supported this position. The largest anti-tax rally was held in Baton Rouge, sponsored primarily by the Louisiana Constitutional League.²³¹ The New Orleans Times Picayune urged resistance to the tax program by violence if necessary.²³²

The Hoffpauir bill was killed in committee. A later effort to revive the bill failed. The question of the tobacco tax had to wait for an answer until the next regular

²²⁹Baton Rouge State Times, June 24, 1930.

²³⁰New Orleans Times Picayune, May 27, 1930.

²³¹Shreveport Journal, June 13, 1930.

²³²New Orleans Times Picayune, June 19, 1930.

session of the Legislature.²³³ As an issue and a probable source of revenue, the tobacco levy received some unexpected attention when Governor Huey P. Long announced his candidacy for the United States Senate.

Victor L. Roy, the former president of the Louisiana State Normal College attacked Long's tax policies in a strong statement which was given wide publication by the newspapers. Roy accused Governor Long of ruining the school finances of the state:

The sad state of public school finances in Louisiana today is wholly due to Governor Long. He caused the repeal of the tobacco tax, which yielded the public schools \$1,500,000 and which if properly enforced could have been made to yield \$2,500,000.²³⁴

Since this article appeared as part of a political campaign characterized by editorials and cartoons, its effect upon the tobacco imposts as sources of school support would be difficult to evaluate.

An extraordinary session of the legislature, called on September 15, 1930 did not consider the tobacco excise.²³⁵ An extra cent of gasoline tax was added in the

²³³Baton Rouge State Times, July 3, 1930.

²³⁴Ibid., September 3, 1930.

²³⁵Ibid., September 15, 1930.

form of a proposed amendment which was to be submitted to the voters on November 4, 1930. The passage of the amendment was expedited by Governor Long.²³⁶ The swiftness of his action did not permit the opposition groups time enough to organize any resistance. This proposal, approved by the electorate, dedicated half of the one cent to the support of public education.²³⁷ This delayed the renewal of a tobacco tax.

The election of Oscar K. Allen to succeed Huey P. Long as governor, meant a continuation of Long's policies. Senator Long was the center of power in Louisiana at this time, having consolidated his position by winning the senatorial seat and by relentless political manipulation. Thus any proposal in the Louisiana legislature of 1932 advanced as an administration measure, was virtually assured of passage. In spite of these overwhelming factors, the anti-Long factions who were extremely articulate received the support of the public press of Louisiana.

The extent of this vocal resistance could be seen from the pre-inaugural articles and editorials. The

²³⁶New Orleans Times Picayune, September 22, 1930.

²³⁷Ibid., November 7, 1930.

Hammond Vindicator praised the formation of the Louisiana Taxpayers' Association in Alexandria, Louisiana.²³⁸ Other small papers as well as the metropolitan dailies gave front page and editorial space to this same topic. The theme was a common one: "No new taxes, cut spending, reduce existing taxes." The New Orleans Times Picayune carried a lengthy editorial with solemn advice for the legislature, advocating drastic economy and retrenchment.²³⁹

Governor Oscar K. Allen's first message to the legislature advocated some form of tax relief and increased state support to public education. This was obviously a call for a more extensive application of the taxing power of the state government to relieve the parish and municipal governments in dire financial straits.²⁴⁰ Immediately the Louisiana Taxpayers' Association responded through the press, preparing and releasing materials such as: "State's Tax Load Raised Sixfold from 1912 to 1931."²⁴¹ A legislative supporter of the Association, Representative Joseph I.

²³⁸Hammond Vindicator, May 10, 1932.

²³⁹New Orleans Times Picayune, May 10, 1932.

²⁴⁰Ibid., May 18, 1932.

²⁴¹Ibid., May 27, 1932.

Curry, proposed a resolution pledging the members of the House of Representatives against additional taxes.²⁴²

To combat this type of activity, and to present the administration's financial program to the people, Governor Allen sent out a "circular letter." This letter outlined a taxing program designed to raise approximately \$4,000,000 in additional revenues. New levies on electricity, insurance, tobacco, and soft drinks were proposed. The problem of increased state monies for schools was explained thoroughly. This letter printed on the back page, contained a specific reference to the tobacco excise:

A tax on cigarettes and smoking tobacco reported to be at the rate of one-fifth of a cent on each cigarette or four cents on an ordinary package and a tax of one cent on each five cents of the retail selling price of tobacco, cigars, and chewing tobacco being left exempt, this being expected to yield \$1,500,000 a year for the school fund.²⁴³

Under the personal guidance of United States Senator Huey P. Long, the House Ways and Means Committee moved swiftly to report the Allen tax program. The Shreveport Journal commented, "Long's deft hand speeds approval on

²⁴²Shreveport Journal, May 26, 1932.

²⁴³New Orleans Times Picayune, May 30, 1932.

four money bills,"²⁴⁴ A heavy barrage of appeals was sent into the legislature by a wide range of organized groups. Some of these groups such as the Young Men's Business Clubs, the Civic Leagues and the Taxpayers' Associations either purchased newspaper space or received free space for their protests.²⁴⁵

Some of the newspapers themselves began an anti-tax crusade. The New Orleans Times Picayune carried some very rigorous and provocative material. Several techniques were employed in this presentation. A number of slanted leads and headlines were used together with photographs made at anti-tax rallies. The "appeal to the people" was the underlying method of items such as "Economy Rejected; House Votes Four Revenue Measures" and "Slash Expenses or We'll strike, Taxpayers Warn."²⁴⁶ To buttress their own campaign the Picayune reprinted similar articles from smaller newspapers such as the Monroe Morning World, the Lake Charles American Press, and the Crowley Daily Signal.²⁴⁷

²⁴⁴Shreveport Journal, May 31, 1932.

²⁴⁵New Orleans Times Picayune, June 2, 1932.

²⁴⁶Ibid., June 4, 1932. ²⁴⁷Ibid.

The effectiveness of these journalistic crusaders can be seen from the sudden introduction of bills providing for drastic retrenchment in the expenses of state government. The Picayune pressed this point, claiming, "Louisiana's Home Folks Aroused."²⁴⁸ Following this same line, the Lafayette Advertiser editorialized: "Be on Guard People of Louisiana."²⁴⁹ The same theme was reiterated by the Opelousas Herald²⁵⁰ and the Gueydan News.²⁵¹ In northern Louisiana, the Shreveport Journal printed a jeremiad:

The day of reckoning is here, and Louisianians will have to dig deep into their pockets to pay the price of their financial folly. The blighting effect of the Long administration will be felt in this state for a full generation.²⁵²

Ignoring these bombastic protests, the Legislature rapidly moved the four tax bills, including the tobacco tax to final passage. The New Orleans Times Picayune marked this event with a bitter editorial, "The Dance of

²⁴⁸New Orleans Times Picayune, June 7, 1932.

²⁴⁹Lafayette Advertiser, June 7, 1932.

²⁵⁰Opelousas Herald, June 7, 1932.

²⁵¹Gueydan News, June 7, 1932.

²⁵²Shreveport Journal, June 9, 1932.

the Marionettes," which concluded:

The will of the Kingfish functioned as their supreme law; his orders were accepted blindly and instantly obeyed. Their performance has been a dance of the marionettes and the marionettes have been dancing in the dark.²⁵³

After remaining static for almost eight years, the tobacco excise tax came up for consideration in the general overhauling of the tax structure by the Sam H. Jones administration in 1940. The revised tobacco tax received the usual routine notices in the legislative news, consisting in the main of statements buried in the lists of bills. Through various parliamentary maneuvers and factional conflicts the new tobacco tax bill was amended several times.²⁵⁴ The tax as finally approved, was estimated to be worth approximately \$800,000 in revenue.²⁵⁵

The singular occurrence of the 1940 tobacco levy was the tremendous effort made by the education forces of the state, especially the teachers' organizations. The newspapers commented on the large numbers of teachers and their representatives "who flocked to the capitol seeking

²⁵³New Orleans Times Picayune, June 11, 1932.

²⁵⁴Baton Rouge State Times, June 27, 1940.

²⁵⁵New Orleans Times Picayune, July 4, 1940.

additional school revenues." As a result of these activities two-thirds of the tobacco avails were to go to the per educable funds and one-third to the state general fund.²⁵⁶ This was the final status of the tobacco excise tax as a source of state support for public schools.

The tax ceased to have a great significance for the State Current School Fund after 1940. During the succeeding decade the tax diminished in importance as a source of school support, and was no longer a center of controversy. The tobacco tax had survived first, opposition to the tax ipso facto and opposition to taxes in general. As a revenue source, the excise on tobacco was first a minor revenue source; second, was repealed entirely; third, was a major revenue source; fourth, declined as a revenue source for public education. This was the full circle.

The malt tax. The malt tax had its inception in 1928. This impost was a tacit recognition that the Volstead Amendment was ineffectual. Malt was a chief ingredient used in brewing illegal alcoholic beverages. When the volume of malt sales had reached the point that the legislature considered that commodity a tax source, seemed to

²⁵⁶Baton Rouge State Times, June 27, 1940.

indicate heavy sales out of proportion to normal commercial uses. At the time of passage there seemed to be little reason to believe that national prohibition would last much longer. The intent of the original bill appeared to take advantage of a short-lived opportunity to obtain funds for state support of public schools.

Two bills were submitted in the regular session of 1928 to impose a tax on malt and malt derivatives. Representatives James L. Anderson of Grant Parish and Edward D. Gianelloni of Assumption Parish introduced identical measures. The bills proposed to require manufacturers of malt to have their products analyzed by the State Board of Health and to place a twenty-five cents license stamp on containers of malt retailed for one dollar or less. Dealers or other persons selling or offering for sale malt in unstamped containers would be subject to a fine of \$100 or three months imprisonment or both. The State Board of Health would be responsible for the enforcement of the act. Ten per cent of the proceeds would go to collection and the remainder to the current school fund. Representative Anderson estimated that the tax would produce about \$1,750,000 per year. Anderson stated: "If the consumption of malt used in making home brew and cooking continues to

increase, the revenue derived therefrom will pass \$2,000,000." It was estimated that four dozen bottles of home brewed beer could be made from a can of malt selling for seventy-five cents. Thus the tax per bottle would amount to less than one cent.²⁵⁷

These aspects of the use of the malt drew the editorial comment of the New Orleans Times Picayune:

We believe the malt syrup industry has excellent grounds to protest the threat to its business seen in the two tax measures now before the Louisiana legislature. One of these would place what works out to be an eight cents a pound impost on that article of food and drink, the alternative measure would fix a 10 per cent ad valorem tax on that article.

It is not difficult to surmise that the assault on malt syrup is made with the idea that this familiar ingredient of home brew is an easy point of attack by those who believe that no club of a tax nature is too hefty to be wielded against those who in the privacy of their home may wish to put together the ingredients of a malt and hops beverage at moderate cost. Legislators and others holding this view are twice in error. First, such punitive tax fails to recognize that malt syrup has become an important material in both the candy and baking trades and that any further raising of the cost of this item will be reflected in the ultimate price and quality of foods that are already a heavy drain on the public's pocketbook.

The second point is that even should it be reasonable and logical which it is not, to assail the home-brew business through taxation, it is utterly unfair to single out this one ingredient and strafe it with

²⁵⁷New Orleans Times Picayune, June 7, 1928.

an eight cents per pound penalty when the other and equally essential ingredients are left free. Those opposing the malt threat are inclined to stress the many other uses of the excellent material and to side step the fact that it is a home-brew ingredient, but why? Justice is justice and there is absolutely no logic by which a special tax affliction should be placed on this material, innocent and beneficent in itself, if it happens to be used in a banned drink. Place a special tax on grapes as well, because from grape juice wine may be made, or on prunes and dried apples because the juices of those fruits are often used to flavor and color alcoholic spirits.²⁵⁸

Very few newspapers openly espoused the Picayune's viewpoint. As the malt tax seemed to enjoy general approval, the tax met with no great efforts in the press to oppose its passage. In the legislature the 10 per cent ad valorem per dollar valuation was the final form of the tax as reported from committee. The measure was defeated on the first vote in the house, but on reconsideration was passed 64-24. Legislative opposition declared that the tax failed of its real purpose by injuring the baking and textile industries. Proponents claimed that less than two per cent of the malt sold was used by bakeries.²⁵⁹ The estimated avails of this 10 per cent tax for the current school

²⁵⁸New Orleans Times Picayune, June 15, 1928.

²⁵⁹Baton Rouge State Times, July 6, 1928.

fund were set at \$500,000. After senate approval, the malt tax became law under the governor's signature on July 20, 1928.²⁶⁰ The first collections were to begin on August 1, 1928.²⁶¹

The malt tax was included in Governor Huey P. Long's call for a special session in December, 1928. The object in the language of the call was:

. . . to levy and collect a tax on malt sold, used, consumed, held, stored or otherwise handled or owned in Louisiana; legislation made necessary by the inability of the Supervisor of Public Accounts to collect the malt tax under the existing laws.²⁶²

When the Legislature convened, a bill providing for a tax of ten cents per pound on malt and malt extracts, dedicated to public education was introduced.²⁶³ Known as House Bill No. 4, the measure was endorsed by forty-five of the parish superintendents of the state.²⁶⁴ The revised malt tax was pushed through the house and senate

²⁶⁰Baton Rouge State Times, July 20, 1928.

²⁶¹Ibid., July 30, 1928.

²⁶²Ibid., December 6, 1928.

²⁶³Ibid., December 10, 1928.

²⁶⁴Ibid., December 11, 1928.

with alacrity. The bill was amended in the senate to add a punitive section making the possession of unstamped malt liable to criminal prosecution.²⁶⁵

The actions of the special session indicated that the malt excise was an unsuccessful revenue source. When the Legislature met in regular session in 1930, a cry went up for repeal of the "nuisance tax." The metropolitan dailies ridiculed the small yield of the tax.²⁶⁶ When Senator Calvin Schwing of Plaquemines Parish introduced a malt excise repeal bill, the press set about securing public support.²⁶⁷ The Shreveport Journal in an editorial, "A Tax Scheme That Failed" described the situation that had developed:

One bill introduced in the legislature, Senator Schwing of Plaquemine being the author, which should have unanimous approval, provides for the repeal of the state's malt tax law. This law was enacted in 1928 and was intended to materially help commonwealth service. It was a substitute for the tobacco tax. It was claimed by the friends of the measure, championed by the administration, that from malt collections a large sum of money would be realized for public purposes. But after a two-year trial, it has been shown that the

²⁶⁵Baton Rouge State Times, December 14, 1928.

²⁶⁶Shreveport Journal, May 23, 1930.

²⁶⁷Baton Rouge State Times, May 20, 1930.

law is little less than a joke. It cost nearly as much to collect the tax as the revenue it produces. Therefore, about all it accomplishes is to furnish jobs for a bunch of collectors. It has proved a failure, as the author of the bill claims, and should be nullified.²⁶⁸

The total revenue of the malt excise tax was approximately \$165,000. The collection costs were more than half of this figure. The public school fund received about \$65,000. The malt tax had failed through lack of public acceptance and the high cost of collection.²⁶⁹ Since the tax had not met the purpose for which it was imposed, other levies had to be enacted, thus the malt excise passes into oblivion.²⁷⁰

The Equalization Fund

The distribution of state education funds on the per educable basis alone had long been recognized to be faulty. In the biennial report for 1904-1905, State Superintendent James Aswell said,

It is my opinion that a better solution of the whole question would be to base the apportionment of public school funds upon the average daily

²⁶⁸Shreveport Journal, May 27, 1930.

²⁶⁹Ibid.

²⁷⁰Baton Rouge State Times, July 3, 1934.

attendance of the preceding year than upon the number of educables reported.

Thomas H. Harris concurred in this opinion, but nothing was done.²⁷¹

The problem lay in finding some equitable system or program for the distribution of state school funds. If the poorer parishes were to be raised to a standard of efficiency, what would constitute the standard? Who would determine the basis of need and how? Once the need was established, how would the money be apportioned and disbursed? Finally, where would the additional monies for increased state support of the public schools come from?

The answers to the questions lay in devising some method of "equalizing" educational opportunity throughout the state of Louisiana. Equalization as a principle could be a center of some controversy in itself. Once this was settled the role of equalization became a continuing side issue in efforts to provide more state funds for the support of public education in Louisiana. Hence, the following pages attempt to show this relationship.

²⁷¹Louisiana State Department of Education, Biennial Report, Session, 1904-1905, issued by James Aswell (Baton Rough: Ramires-Jones, printers).

The search to find some of the answers and formulate an equalization plan had its beginning with a committee report of the Louisiana Teachers' Association. This report made an appeal for a better method of distributing state school funds.²⁷² John M. Foote of the Louisiana State Department of Education made an intensive study of the problem of equalizing educational opportunity. A program for a state equalizing fund, an adaptation of the plan of Paul R. Mort was prepared. This was done with the advocacy of both State Superintendent Harris and Governor Huey P. Long.²⁷³

The Foote investigation published in September, 1929, revealed the disparities existing among the various parishes in terms of ability to pay for public education. The principle of equalization had been recognized by the state legislature with the passage of the malt excise tax, but when the tax proceeds proved inadequate, some definite program of equalization became necessary. In the foreword

²⁷²Minns S. Robertson, Public Education in Louisiana after 1898 (Baton Rouge: Louisiana State University, 1952), p. 188.

²⁷³Guy C. Mitchell, "Growth of State Control of Public Education in Louisiana" (unpublished Doctor's dissertation, University of Michigan, Ann Arbor, 1942), p. 350.

to the bulletin which explained the Foote proposal, Superintendent Harris wrote:

The question is submitted to the public and the legislature for consideration. I am making no argument for the plan further than to say that relief from the intolerable conditions prevailing in more than half of the parishes of the State must be found, and that the plan here submitted is the best that I am able to advance. I hope that the friends of public education into whose hands this pamphlet may fall, or may learn of the plan proposed, will study the question carefully, make suggestions for its improvement, propose a better plan, or if this one seems wise endorse it and aid in securing its realization.²⁷⁴

When the regular session of 1930 convened on May 12, an equalization plan awaited action. This proposal requested an "equalization fund for the state department of education of about \$2,000,000 a year for the purpose of aiding the poorer parishes in maintaining the minimum standard of efficiency and to prevent curtailed sessions."²⁷⁵ The gravity of the conditions which faced the parish school boards was pointed out by Representative George L. Drouin of Avoyelles Parish:

The financing of public schools out of state funds is very important. There are now 44 parishes that are no longer able to finance themselves unless

²⁷⁴Robertson, op. cit., p. 189.

²⁷⁵Baton Rouge State Times, May 10, 1930.

the legislature provides funds from a statewide source. They will have to resort to one of three things--put on an additional property tax, reduce the school term or reduce teachers' salaries. Either of which you will agree with me is not practical or advisable.

When an attempt was made a year ago to raise funds by an occupational tax, the schools were then in need and many parishes had to vote special taxes to tide them over until this legislature would meet and provide funds.²⁷⁶

Drouin had drawn an accurate picture of the sorry state of affairs. Declining property values and decreasing assessments had reduced the parochial tax revenues to a near bankruptcy level. State aid, in some form had become imperative. Legislative response came in the form of several proposed support revenues. Most of these proposals, such as vehicle license revenues could not possibly support the projected costs of equalization.²⁷⁷ The state administration opposed these measures seeking a more stable basis for the program. A bill was introduced to dedicate the surplus in the State Bond and Interest Tax Fund (\$1,300,000) to the public school fund, a portion of which would go to the equalization fund. This pushed the equalization plan into a controversy between Governor Huey

²⁷⁶Baton Rouge State Times, May 11, 1930.

²⁷⁷Ibid., May 27, 1930.

P. Long and opposition legislators. The center of the center of the controversy was Long's plan to build a new state capitol, using the bond and interest tax surplus.²⁷⁸

In the chaos which followed, the equalization proposal was not enacted.²⁷⁹ Governor Long entered the campaign for a seat in the United States Senate. The failure of equalization was used by both Long and his opponents.²⁸⁰ Contrary to journalistic expectations, Huey Long used the election to create an overwhelming bloc in the legislature and get a mandate from the people at the polls.

Governor Long issued a call for a special session on September 16, 1930. Item three in the call stated: "To provide funds by tax on gasoline not to exceed one cent per gallon for the public schools in the state, and for the ports of Lake Charles and New Orleans."²⁸¹ This meant an increase from four to five cents tax per gallon of gasoline. Representative Lorris Wimberly introduced

²⁷⁸Baton Rouge State Times, May 30, 1930.

²⁷⁹Ibid., July 10, 1930.

²⁸⁰New Orleans Times Picayune, September 4, 1930.

²⁸¹Baton Rouge State Times, September 16, 1930.

the necessary bill proposing an amendment to the constitution. With little discussion by the press, the legislature moved rapidly. Responsive to Long's wishes, a joint resolution was adopted proposing an amendment to the constitution (the Wimberly amendment) providing a tax of one cent a gallon be levied on the retail sales of gasoline and that one-half of the proceeds be known as the State Equalization Fund. The fund was to be administered by the State Board of Education for the purpose of aiding the poorer parishes in terms of their needs.²⁸²

This amendment was hastily printed and sent out for inclusion on the ballot for the November 4, 1930, election. The vote was almost unanimous and the gasoline tax went into effect immediately thereafter. Thus the necessary revenues were obtained.²⁸³

A second amendment, proposed by Representative N. Smith Hoffpauir was designed to compel future legislatures to appropriate not less than \$12.00 per educable child. An equalizing fund of not less than \$2.00 per educable child was also provided.²⁸⁴

²⁸²Baton Rouge State Times, September 20, 1930.

²⁸³New Orleans Times Picayune, November 7, 1930.

²⁸⁴Baton Rouge State Times, September 22, 1930.

The Hoffpauir bill was the enabling act for the Wimberly measure. When approved the former amendment fixed a minimum limit for the equalization fund in the state constitution. Thus both the principle of equalization and its supporting revenue were fixed in the organic law of Louisiana.

With these amendments a milestone in the efforts to increase state aid to public education was passed. Not only was money provided but also the machinery for its equitable distribution in terms of need. In 1932, the question was no longer equalization, but how much? This may be seen from the following excerpt from Governor Oscar K. Allen's inaugural message:

Constantly decreasing assessments in the face of increasing demands upon public schools has placed the various parish school systems in a most embarrassing financial condition. The people in many sections have already voted upon themselves burdensome local taxes for the support of their schools. Many of the parishes are unable to operate their schools for a full session with standard equipment and services. The public school system is the foundation upon which all additional training must be laid. We must also bear in mind that thousands of our children will never receive any training other than that given them in the public schools. Unless we are willing to have the state of Louisiana fall behind the other states in the march of progress, we must provide this fundamental training for our youth. The remedy may be found in securing state participation in public school support large enough to provide at least a

minimum program for every parish in the state . . . and that the state should provide a school fund of at least \$12.00 per educable should be complied with by this legislature (the Hoffpauir Amendment).²⁸⁵

The 1932 session was characterized by tax resistance and pleas for some form of relief for the ad valorem property taxpayers.²⁸⁶ The in lieu tax technique was discussed and even proposed by a tax on incomes.²⁸⁷ The press pointed out the need for property tax relief, but did not advocate the imposition of in lieu taxes. A few editorial writers did recognize the need for tax relief and the substitution of revenues from sources other than property. The Shreveport Journal gave some indication of this confused position:

There must be new sources of revenue and at the same time some substantial relief for property taxpayers and reduced expenditure in state department. In other words the budget must be balanced.²⁸⁸

Other newspapers did not concede this moderate position. Demands were made for retrenchment and economies.

²⁸⁵Baton Rouge State Times, May 17, 1932.

²⁸⁶New Orleans Times Picayune, June 7, 1932.

²⁸⁷Shreveport Journal, May 17, 1932.

²⁸⁸Ibid.

These demands were impossible of fulfillment, but the state administration and the legislature were roundly criticized for not adopting reactionary measures. The state of Mississippi adopted such drastic measures and was held up as a sterling example of what should be done. The New Orleans Times Picayune is a case in point. Seemingly they could see no correlation between the large numbers of emigrants seeking jobs in New Orleans and the conditions which prevailed in Mississippi.²⁸⁹

All of the efforts of the Legislature and the administration could not mobilize enough public expression for property tax relief in 1932 or 1933. However, time was on their side. Tax sales were postponed; property tax moratoriums were declared.²⁹⁰ When the legislature convened in 1934, the time was ripe.

How does this consideration of property tax relief concern the equalization fund? The relationship between tax relief and the traditional revenue source of local support of public education was vital. The parish and municipal governments could not reduce taxes on property

²⁸⁹New Orleans Times Picayune, May 1-July 1, 1932.

²⁹⁰Shreveport Journal, May 15, 1933.

and meet their obligations to the public schools. Therefore it becomes obvious that the equalization fund would be a vital part of any property tax relief plan. Superintendent T. H. Harris had long hoped that increased state support to the schools would make possible a reduction in school millage at the parish level. This opportunity had arrived in May, 1934. On May 9, 1934, John M. Foote explained a new program of state support through equalization. The new plan established minimum program requirements to be applied in the distribution of the equalization fund. With this additional money the local schools would receive a greater degree of state aid.²⁹¹

The first step for the program was taken as the press demanded compulsory dedication and segregation of state school funds in the public accounts.²⁹² As the property tax relief program, supported by in lieu taxes moved through the legislature a new amendment to the State Constitution was prepared and introduced. This would become the vehicle by which the State would assume a majority role in providing the monies for the maintenance of public

²⁹¹New Orleans Times Picayune, May 9, 1934.

²⁹²Ibid., May 14, 1934.

schools. This implication was inherent from the beginning of equalization.²⁹³

In 1934, the implied became the real. A complex bill for the reduction of local tax millage was attached to the proposed equalization fund amendment. Parishes would be allowed to reduce the eight mill maximum of special taxes for schools at the rate of one mill for each \$800,000 received from the state. The three mill constitutional property tax would be retained. This was tax reduction by state aid in a mandatory sense. To accomplish this, the proposed constitutional amendment provided:

FOURTH: Other funds as the legislature may determine with a minimum of \$10,000,000 per annum in the public school fund. A provision for segregation of school monies with provision for appointment of three-fourths on the basis of the number of children and one-fourth on the basis of equalization with further provision for the apportionment of funds in excess of \$10,000,000 of five-sixths on the basis of the number of children and one-sixth on the basis of equalization.²⁹⁴

This amendment, approved by the voters, determined the future role of state support to public education in Louisiana. Working in conjunction with the property tax

²⁹³New Orleans Times Picayune, May 15, 1934.

²⁹⁴Ibid.

relief fund established by the same legislative session, a substantial reduction in the burden of the local property taxpayers was effected. The principle of in lieu taxes was firmly established, shifting the base of support to the larger taxing power of the state. The public press did not attack or advocate the equalization fund. The in lieu taxes were opposed in a general anti-tax campaign as shown in other parts of this study.

In 1936, the equalization provisions were amended slightly as free pencils, paper and supplies were made available to the school children.²⁹⁵ The per educable rate was a steadily increasing figure as state support to public schools assumed a greater percentage of the cost of maintenance.²⁹⁶

This larger role of the State in public school maintenance became a center of controversy in 1940. The legislature opened the issue with a proposed amendment by Representative William E. Dodd. Dodd stated that he wanted the schools to get all of the severance tax revenues regardless of how much that might be. The education forces

²⁹⁵Acts of Louisiana, 1936, Act No. 153.

²⁹⁶New Orleans Times Picayune, June 28, 1938.

were pressing for a per educable of \$20.00 plus equalization. The Louisiana PTA groups and the Louisiana Teachers' Association appeared before the House Ways and Means Committee supporting the \$20.00 per educable and the Dodd amendment.²⁹⁷

The amendment was subsequently passed by the House, but with only \$17.00 per educable plus one-third for equalization from a partial dedication of the severance tax revenues.²⁹⁸ This met with vociferous opposition from the representatives of the PTA and LTA. These organizations met with Governor Jones in a day-long conference, which resulted in the governor's statement that withdrawal of the bill would not be opposed by the administration.²⁹⁹ Jones was in a precarious position, obliged to obtain the severance dedication and the \$20.00 per educable. Conditions were further complicated by a deficit in the Orleans school funds due to a slump in city revenues. The \$20.00 per educable would prevent a 20 per cent cut in the salaries

²⁹⁷Baton Rouge State Times, June 19, 1940.

²⁹⁸New Orleans Times Picayune, June 20, 1940.

²⁹⁹Ibid., June 26, 1940.

of Orleans parish teachers.³⁰⁰

The Woman Citizens' Union published appeals for the full \$20.00 per educable and worked to rally public support for the necessary legislation. The governor was called upon to carry out his campaign pledges. This group rallied behind the New Orleans Teachers' Association.³⁰¹

A large delegation of teachers' representatives met in the senate chamber for a discussion of the situation with Governor Jones and Budget Officer James I. Smith. Both officials reacted defensively claiming that the schools would get more money than ever before.³⁰²

As the session drew to a close, a proposed severance tax amendment was passed by the legislature and submitted to the people. This did not provide the \$20.000 per educable. The final form of the amendment was rather innocuous, making provision for collection costs. The groups which had worked for the full severance revenue dedication promised a continuing fight for a higher education allotment.³⁰³

³⁰⁰New Orleans Times Picayune, May 23, 1940.

³⁰¹Ibid., June 24, 1940. ³⁰²Ibid., June 26, 1940.

³⁰³Ibid., July 2, 1940.

The degree of success achieved in 1940 received the following comment in Governor Sam Jones' message to the legislature in 1942:

For the public schools the per educable allotment has risen from more than \$16.00 to more than \$18.00 and may reach a figure close to \$19.00 before the year is over. Counting federal funds for defense education, the public school education system is receiving four million dollars additional revenue from state and federal sources in addition to the extra one million dollars made available from local sources. Thus six million dollars additional is going to education.³⁰⁴

Shortly after the governor's statement, legislative news articles claimed, "Schools may get \$20 per educable from legislature."³⁰⁵ These increased monies were urged by State Superintendent John E. Coxe, who requested an additional million from the general fund. The governor's office immediately released a series of proposals. It was claimed that the severance tax, the state ad valorem tax and the gasoline levy would yield sufficient revenue for a \$20.00 per educable.³⁰⁶ Among the cuts listed by the state administration was the statement that "it would be impossible to comply with the suggested guarantee of \$1,000,000

³⁰⁴Baton Rouge State Times, May 13, 1942.

³⁰⁵Ibid., May 15, 1942. ³⁰⁶Ibid., May 27, 1942.

from the general fund for the public schools."³⁰⁷

In spite of the governor's recommendations, the education groups moved to secure the \$20.00 per educable from the legislature. This increase was the basis for the struggle for the sales tax, increased severance taxes on oil and natural gas. The relationship between the wholesalers tax and the equalization fund was disclosed by Budget Officer Smith. Smith revealed that an agreement had been made to give the schools \$2,000,000 annually from the state general fund if the wholesalers' tax was passed. Under this proviso the schools would receive the general fund appropriation without reference to the dedicated sources' proceeds. This was to be written into the general appropriations bill.³⁰⁸

When the wholesalers levy encountered resistance, Governor Jones predicted a \$4.00 drop per educable child unless some comparable revenue could be found.³⁰⁹ Organized groups working to defeat the tax measures³¹⁰ and

³⁰⁷Baton Rouge State Times, May 19, 1942.

³⁰⁸Ibid., June 1, 1942.

³⁰⁹New Orleans Times Picayune, June 12, 1942.

³¹⁰Baton Rouge State Times, June 4, 1942.

the anti-Jones legislators combined forces in their effort to quash any additional school funds.³¹¹ The school appropriations were reduced and written into the general appropriations bill without reference to sources of money. The opposition seemed to have achieved their objective:

As passed by the senate, the general appropriations bill includes \$2,500,000 each year in additional sums for schools and old age pensions; guaranteeing the schools \$20.00 per educable plus equalization funds and plus teacher retirement contributions. While these sums had been incorporated earlier in the bill, presupposing the passage of the two per cent sales tax; they had been removed after the tax failed. These sums were incorporated in the general appropriations bill after the tax was killed.³¹²

The governor predicted a special session would be needed to save the educational appropriations. The Young Men's Business Association of New Orleans advocated a special session to raise the needed funds.³¹³ The special session was called and voted a general sales tax of one cent. This tax was given a two-year life and the receipts were used to bolster the per educable to \$20.00 and sustain equalization.³¹⁴

³¹¹New Orleans Times Picayune, June 12, 1942.

³¹²Baton Rouge State Times, July 3, 1942.

³¹³Ibid., July 7, 1942.

³¹⁴New Orleans Times Picayune, May 15, 1944.

When Governor James H. Davis took office in 1944, he specifically requested the re-enactment of the sales tax and the natural gas gathering tax.³¹⁵ The Louisiana Teachers' Association and Superintendent Coxe sought an increase to \$22.50 per educable.³¹⁶ This would be used to adjust teachers' salaries and reimburse the parish boards for the teachers' retirement contributions.³¹⁷ These measures were successful through the use of a portion of a treasury surplus which had been accumulated.³¹⁸ No significant controversy developed which involved the equalization fund per se.

For the first time since its inception, the equalization program faced a serious challenge in 1946. A movement to limit the amount of the fund had been gathering momentum for several months. The proponents of this section gained public attention during a meeting of school officials held at Alexandria, Louisiana, on May 3, 1946.

³¹⁵New Orleans Times Picayune, May 5, 1944.

³¹⁶Ibid., May 15, 1944.

³¹⁷Baton Rouge State Times, May 30, 1944.

³¹⁸New Orleans Times Picayune, July 6, 1944.

A group of south Louisiana school officials moved to request the State Board of Education to sponsor a proposed constitutional amendment to fix a ceiling on the public school equalization fund at \$1,000,000. This was supported by the parish superintendents of St. Bernard, Jefferson and Plaquemines, together with District Attorney Leander Perez of the St. Bernard-Plaquemines district. Perez claimed that since only one-fourth of all school funds went for equalization, the richer parishes were penalized. By richer parishes he specifically referred to Plaquemines which paid \$1,800,000 in severance and received only \$72,000 in equalization. If the million dollar ceiling could be imposed, the per educable could be raised by at least six dollars and would benefit all the parishes. At that time sixteen parishes did not share in the equalization fund: Caddo, East Baton Rouge, East Carroll, Iberia, Iberville, Jefferson, Orleans, Richland, Plaquemines, St. Charles, St. Mary, Tensas, Terrebonne, Vermillion and West Feliciana. These parishes would have benefited from an increased per educable.

Another argument then advanced held that the parishes receiving aid were deriving an undue advantage not enjoyed by the other parishes not participating in

equalization. Calcasieu was cited as a case in point. It was charged that the Calcasieu Parish schools were able to pay higher teachers' salaries and had been able to accumulate a surplus of \$400,000. In addition, the Ouachita Parish and the Monroe city schools reportedly were receiving \$104,000.³¹⁹

When the legislature convened, action on the equalization fund was delayed pending a meeting of the State Superintendent and the State Board of Education to discuss a new formula for distributing the equalization fund.³²⁰ This formula was bitterly assailed by Leander Perez and a bloc of parish superintendents.³²¹ This pressure resulted in the introduction of a bill which would make the equalizing distribution discretionary instead of necessary as established by minimum program standards. Under this plan, the remainder of the fund not apportioned could be added to the per educable.³²²

Some alteration in the formula seemed to be in order. The critics did not propose constructive change. The

³¹⁹Baton Rouge State Times, May 3, 1946.

³²⁰Ibid., May 24, 1946. ³²¹Ibid., May 25, 1946.

³²²New Orleans Times Picayune, June 26, 1946.

proposed legislation ignored the basic principle of equalization. The basis was need as calculated from factors in the minimum program. Perez' involvement in this matter was unusual since he (Leander Perez) was no school official. Technically, as district attorney, he could supply only legal counsel. The introduction of the bill to alter the whole concept of equalization by legislators from Perez' district was not supported by the other so-called rich parishes. Expressions of public support for the proposed amendment were lacking in the press, either as editorial comment or letters from the people. The most significant gain the Perez forces obtained from their maneuvers was a measure of unfavorable political publicity for the equalization formula. Thus the door was opened for subsequent critics in 1948 and 1950.

In 1948, there was a broad campaign for change in the educational organization and administration of Louisiana. Following the demise of a bill for an appointive chief state school officer, two bills affecting equalization and per educable apportionment were advanced. One of these proposed a per educable of \$64.00; the other proposed a constitutional amendment to eliminate the requirement that one-fourth of the public school fund be used for

equalization.³²³ Reported unfavorably from the Senate Appropriations Committee, both measures were killed on the floor of the Senate.³²⁴

The bills were not passed but organizations seeking a change in the allotment of school funds were very much alive as the Legislature convened in May, 1950. These organizations formed the legislative council. The council recommended the distribution of the bulk of the State's school support by average daily attendance rather than by the number of school-age children in each parish.³²⁵ This was resisted successfully by the organized educational forces of the state. Thus the status quo of the per educable and equalization funds was maintained.

When the question was next raised in 1952, the state apportionment was linked to a teachers' pay increase. A request was introduced for additional appropriations for education in the amount of \$6,953,782. The bill was advocated in house committee hearings by State Superintendent Shelby M. Jackson. An opponent, Perez objected and brought

³²³Shreveport Times, June 5, 1948.

³²⁴New Orleans Times Picayune, June 9, 1948.

³²⁵Shreveport Times, May 11, 1950.

in as extraneous material the equalization fund:

Do the tax payers have to pay for the education of children who don't go to public schools? You gentlemen should thoroughly study the per educable method of distribution of public school funds. Thousands of children go to private and parochial schools yet school money is distributed to parishes on a per educable basis, the number of children eligible for education instead of the number actually enrolled in schools. There's more money wasted in the distribution of public school money than any other agency.³²⁶

While Perez' statements were irrelevant to the discussion at hand, they did point out a sore spot. Parishes with large parochial and private schools were receiving funds in the same manner as those where no such schools existed.

Criticism of the formula was not over in 1952 and appeared again in 1956, the final year covered by this study. The conditions in 1956 closely resembled those of 1952. There was a concentrated drive by the organized educational forces to obtain a new teachers' salary schedule and adequate revenue support for the schedule.

The opposition to the gas gathering tax and the new salary scale garnered some help from parish superintendents in the gas producing parishes. Notable among these was the

³²⁶Baton Rouge State Times, June 4, 1952.

Superintendent of Caddo Parish Schools, Roscoe White.

White attacked the equalization fund and state aid to the public schools. The press of Louisiana seized upon White's remarks for editorials like the following:

The state board of education has approved with misgivings, a new equalization formula for the distribution of such funds to parishes. The six to five vote on the new formula shows a seriously divided board. Also, one member of the prevailing group asked for a continued review so as to bring about a better formula. Thus an actual majority may be said to be dissatisfied with the formula although a majority felt it was necessary to approve the new proposals in order to have some basis for suggestions to the legislature.

The equalization fund originally established as a small sum (small in comparison to present amounts to aid poor parishes of the state in providing a minimum educational program). Almost every parish and city school system in Louisiana now shares in the equalization fund. With school costs rising so much and in view of the very large requests for extra funds now being made, it would seem highly desirable that the board make a very careful study of this equalization program. We find it almost imperative in view of a statement made by Caddo Superintendent Roscoe White to the board. Superintendent White served on the committee--recommending the changed equalization formula and he told the board that 'literally millions and millions of dollars are being wasted in school transportation in Louisiana.' If such is the case, there is a responsibility for the board to get better use of the education dollars.³²⁷

This editorial indicated the way that equalization

³²⁷Baton Rouge State Times, May 21, 1956.

became related to vital educational issues and controversies. The whole furor centered around one item of the minimum program, school transportation. This auxiliary service was under fire from several pressure groups since the bus drivers were working for a new salary scale. The role played by equalization in the struggle for public opinion has always been coincidental with some facet or other of state school support. In the early days of the fund, property tax relief was the dominant theme. Later the manner of apportionment (the formula) and minimum program components brought the equalization program into public view. It must be noted, however, that the basic principle of equalization was never subjected to an intensive and extensive campaign to destroy it outright. Perhaps the key here was the continuing thread of need as originally recognized by Thomas H. Harris and John M. Foote. It is a difficult task indeed to convince parents that their children are not entitled to the best public education available.

II. DEVELOPMENT OF LOCAL TAX SUPPORT FOR PUBLIC SCHOOLS

The historic source of school taxation has been the general ad valorem tax on immovable property, imposed at the local level of government. This principle developed in New England gradually spread to all parts of the United States. The growth of local support had been inhibited in the South by a succession of factors such as slavery, Civil War, Reconstruction, and finally Redemption with its continuing economical depression. Against this background the Constitutional Convention of 1898 faced an awesome task, hardly worthy of the bitter editorial comments of Louisiana's public press.

The Educational Ordinance provided for the local support of public schools in Articles 5, 6, 7, and 8. Articles 5, 7, and 8 applied specifically to finances:

Article 5. The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under the Constitution and shall be applied exclusively to the support of public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board

Article 7. The school funds of the state shall consist of: . . . seventh, the Legislature may

appropriate to the same fund the proceeds of public lands not designated or set apart for any other purpose, provided that every parish may levy a tax for the public schools therein which shall not exceed the state tax, provided that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by the Constitution.

Article 8. The City of New Orleans shall make such appropriation for the support, maintenance and repair of public schools of the said city as it may deem proper, but not less than eight-tenths of one mill for any one year and said schools will continue to receive from the board of liquidation of the city debt, the amounts to which they are now entitled under the constitutional amendment adopted in the year 1892.³²⁸

The poll tax was not that which the language of the article seemed to indicate. This tax was paid directly into the state school fund for disbursement not directly to the parish school boards as might appear. The final form of local support of schools under the Constitution of 1898 was perhaps best outlined by Governor Murphy Foster's message to the legislature:

Supplementary to these liberal provisions for the maintenance of public education, Article 232 provides, 'for giving additional support to public schools and for the purpose of erecting and constructing school houses. . . . Any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation (six mills on the dollar) whenever the rate of such increase and the number of years to be levied and

³²⁸New Orleans Daily Picayune, May 6, 1898.

the purpose or purposes for which the tax is intended shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district entitled to vote under the election laws of the state, and a majority of the same in numbers and in value voting at such election shall have provided for.' Thus should funds from the sources mentioned in the constitution prove inadequate to afford every child of school age in the parish, municipality, ward, or school district every opportunity and facility for acquiring a primary education, it will be in the power of the tax payers to supply the deficiency. This provision has not heretofore existed in any of the state constitutions of Louisiana and is one which experience has proved in other states to have admirably and effectually accomplished the purpose desired. It remits into the hands of the tax payers of each locality and privilege of perfecting its own public school system, and creates a local responsibility in this respect. Once inaugurated in a particular locality, the example will spread to other contiguous or adjacent communities, and will lead to a generous rivalry and emulation as to which shall do the most for its educational interests.³²⁹

Perhaps Governor Foster's public remarks appear to be naive, but the key to the whole problem of securing public support of the schools lay at the local level. Creating a sense of local responsibility for providing the requisite tax revenues was essential. Governor Foster's address represented in a sense an attempt to mould favorable public attitudes toward free, non-sectarian, public

³²⁹New Orleans Daily Picayune, May 25, 1898.

elementary schools. The degree of local support hinged upon the recognition of local obligations for schools.

To counter the official optimism of Governor Foster, an acrimonious exchange which appeared in the New Orleans Daily Picayune seems to be in order. An excerpt from the editorial page entitled "Judge Semmes' Concise Summary":

Now what have we done in regard to education? We receive no credit for our work in that respect, but on the contrary, we are said to be unmindfull of the public interest, looking out merely for political scheming in every direction. But we have increased by one-fourth mill the amount appropriated for the support of the public schools. Heretofore it was only one mill which we have increased one-fourth.³³⁰

This citation reflects little awareness of a local role in public education but a preoccupation with state funds. The widespread criticism of the Convention cited earlier is borne out by the defensive tone of Semmes' article. School funds from local sources was a battle yet to be waged successfully and public opinion shaped accordingly.

Governor Foster laid the groundwork for shaping the public mind and developing local responsibility for schools. Perhaps Foster's influence encouraged the newspapers of

³³⁰New Orleans Daily Picayune, May 11, 1898.

Louisiana to give prominent display to all types of articles having to do with schools. Some indications of success in this direction could be found in a vote of thanks tendered Governor Foster by the New Orleans City Council and the New Orleans school board for his generous support of public education.³³¹

The governor's farewell address contained a lengthy report on public education:

There is no department of the state government in which our people have taken a more earnest interest than that of the public schools. All sections of the state in the past decade have to a greater or lesser degree, actively interested themselves in this very important matter. Not only has the constitution provided more liberally for its support, but the General Assembly has to the extent of its ability aided and assisted the up-building of the system.

The parishes have shown a marked and highly creditable interest in behalf of public education by larger and more liberal provisions for parochial schools. . . . The enrollment during the four years has increased fifteen per cent and the average daily attendance, seventeen per cent. Census of educables: 404,757. Total public school revenues \$1,126,112; state appropriations: \$334,653; appropriations of police juries, \$213,075.

There has been gratifying improvement in the number of schools and number of teachers. . . . The Constitution of 1898 has authorized the establishment of school districts distinct and has empowered the inhabitants of these districts to organize district schools and provide for their support by

³³¹New Orleans Daily Picayune, May 4, 1900.

special taxation. Schools have already been established upon this plan and are working satisfactorily. I look to the constitutional provision as a source of great future improvement in school finances and the general up-building of the system.³³²

The progress of the principle of local obligation for schools was described in Governor Heard's message in 1902:

They show that in a number of parishes and subdivisions thereof the people have voted special taxes for the public schools. This action is in accord with the best and most practical thought. In all states where this method has been pursued, public education has attained its greatest development. It awakens the spirit of self-help and reliance which seldom fail to achieve success. The consensus of opinion, I am happy to say is in opposition to the idea that the means to conduct public education should be wholly furnished by the state.³³³

A bill was introduced in the Legislature to dedicate certain fines, and forfeitures to the revenues of parish school boards. It was also proposed to bond such penalties for the local schools.³³⁴ This was a gesture toward the parish governments, but since taxation was not involved, the gains for the schools were negligible.

³³²New Orleans Daily Picayune, May 16, 1900.

³³³Ibid., May 13, 1900.

³³⁴Baton Rouge State Times, July 2, 1908.

Most local efforts to provide for schools gained little more than limited notice. After the provision had been made to allow local elections for school construction bonds, some municipalities and districts received widespread public notice and commendation in the press. In the fall of 1908, Alexandria, Louisiana, then a city of 25,000 population waged a successful campaign for a bond issue for school construction. This bond election was approved by the Alexandria Daily Town Talk and after success at the polls, this paper ran an editorial which was later reprinted:

With the addition of \$40,000, West Alexandria [school], few cities of 25,000 population will offer better school facilities than Alexandria. It will bring a great many families here to take advantage of our educational system.³³⁵

Crowley, Louisiana, a comparatively new town scored a similar success. A two mill tax for the public schools' maintenance was proposed. Here also the local newspaper worked to secure the votes necessary to pass the tax. Another similarity existed between the two elections: the editorial advocacy of the school millage was reprinted in several other newspapers. The Crowley Signal of October 8,

³³⁵Baton Rouge State Times, October 2, 1908.

1908, stated:

The two mill tax is assured. It will be voted for cheerfully by an almost overwhelming majority of the people. This is gratifying in advance of the action. . . . We will soon have better school buildings, better facilities in every way and no one will have cause to regret that the tax was voted as cheerfully as it will be.³³⁶

In November, 1908, a dispute vital to the whole concept of local levies for schools broke out between the East Baton Rouge Parish Police Jury and the East Baton Rouge Parish School Board. The untenable division of taxing power between the school board and the police jury was exposed. A serious dichotomy in taxing power had developed between these two parochial bodies. First, the power to levy taxes for schools was placed in the hands of the police juries. Second, the act which gave the school boards the authority to bond also gave them a measure of taxing power. Third, the General Assembly reduced the parish millage to seven mills, dedicating three mills to the parish schools. This three mill tax for local schools was to be levied by the police juries of the state, and the avails therefrom paid to the local school boards. The situation was complicated further by the juries' attitude in jealously guarding

³³⁶Crowley Signal, October 8, 1908.

their tax prerogatives.³³⁷

All of these factors came into public view when the East Baton Rouge Parish Police Jury balked at adopting the three mill school tax.³³⁸ While the Jury procrastinated, the Parish School Board urgently requested the levy. As the School Board's financial position deteriorated, the local paper declared, "There appears to be little possibility of the parish school board not demanding the three mills that each police jury is required to appropriate for school purposes." After this was published, the police jury openly opposed the tax.³³⁹ The issue was obscured a few days later by a resolution passed by the Baton Rouge City Council demanding half the three mills.³⁴⁰ This entire affray was given full coverage in the press.³⁴¹

The controversy now entered the legal phase, as the district attorney issued an opinion citing Article 254 of the Constitution of 1898. The article in question

³³⁷Baton Rouge State Times, November 3, 1908.

³³⁸Ibid., November 10, 1908.

³³⁹Ibid., November 11, 1908.

³⁴⁰Ibid., November 19, 1908.

³⁴¹Ibid., November 24, 1908.

stipulated that the police juries may levy a tax for parish schools within a three mill limit.³⁴² The opinion impugned the constitutionality of the latest enactment of the General Assembly,³⁴³ Facing a stalemate, the parish school board, police jury and city council met in a joint session in an attempt to affect some compromise. The jurors refused to vote the tax. The city council took no action. The press reported that the situation was "amusing but not to the school board." Confronted with a deficit, the parish school board announced that the school term would probably have to be reduced to seven months. Other forms of retrenchment such as cutting teachers' salaries by as much as 10 per cent were planned.³⁴⁴ These conditions were alleviated finally by the police jury agreeing to pay \$16,000 to the school board in twelve monthly payments. With this arrangement, an uneasy truce settled, awaiting corrective action by the legislature.³⁴⁵

³⁴²Baton Rouge State Times, November 25, 1908.

³⁴³Ibid., November 26, 1908.

³⁴⁴Ibid., December 8, 1908.

³⁴⁵Ibid., February 15, 1910.

The Association of Parish School Boards passed a resolution urging a new school law. The Association advocated an amendment to the constitution which would authorize the parish school boards to levy taxes for schools. The amendment would accomplish two things: first, the dichotomy between parochial governing bodies would be removed; second, the parish school boards would have unencumbered taxing powers.³⁴⁶

When the legislature convened, State Superintendent Thomas H. Harris proposed a series of bills to accomplish extensive changes in the school laws of Louisiana. Among these bills was the proposed constitutional amendment for the three mill school tax.³⁴⁷

While these issues held the attention of persons concerned with local support revenues, notable progress was reported for the 1908-1909 biennium. The Baton Rouge Daily State Times carried an extensive article giving the following information:

The receipts for public education for the year 1908 were \$3,917,694.89; and for 1909, \$4,236,535.37. Of this amount, the state contributed twenty-one per

³⁴⁶Baton Rouge State Times, April 16, 1910.

³⁴⁷Ibid., May 18, 1910.

cent and the people raised the balance locally. Special taxes were voted in 1908 amounting to \$239,628.34 and in 1909 to \$1,933,916.50. The funds raised from special taxes were used to equip school houses, lengthen the school term and pay teachers' salaries.³⁴⁸

This report was reinforced by Governor Jared Y. Sanders' message to the legislature in 1912:

Our people have endeavored much and contested much over forms of government and methods of bettering by legislative enactment their material and moral welfare. The real permanent cure for whatever exists is to be found in the widely diffused education through the mass of the people themselves. When people are informed when they read and when they know the best that is enjoyed elsewhere by other men and women, they will demand the best and will have attained the trained intelligence and experience to select the best instruments to attain this end.

The public schools are the state's greatest asset and it is gratifying to be able to report that the schools have made satisfactory progress during the last four years and are with each succeeding year serving larger numbers of children with courses better adapted to their needs. The people of Louisiana are interested in the education of their children, and they are investing their money and their efforts freely in its promotion and advancement.³⁴⁹

In addition, Governor Sanders provided some school statistics for the period from 1908 through 1911. The special taxes voted for schools in 1911 amounted to

³⁴⁸Baton Rouge State Times, May 9, 1910.

³⁴⁹New Orleans Daily Picayune, May 17, 1912.

\$1,543,640.90. In 1908 school bond sales provided \$224,467.10 for school buildings; in 1911 the bond sales returned \$962,642.30. These figures seemed to reflect the growth of public sympathy for schools.³⁵⁰ These data are truly remarkable in terms of the deflated dollar and depressed property values of the 1900's. Special school taxes could and often did mean genuine sacrifice for many property taxpayers. The bond sales were exceptional when the expensive money market and the unfavorable position held by Louisiana public debentures are taken into account. Many of these school construction bonds had to be sold to individuals and financial institutions in Louisiana.

If an editorial which appeared in the Baton Rouge New Advocate is considered, the running feud between the various parochial bodies seemed far from settlement even in 1912:

It is due to the fact that the school board members and the executive force of the public schools have never taken the lead and initiative and intelligence, advocated and fought for modern and well-directed school progress. Most of the members have happened into their places almost by accident--and a few have appreciated their own responsibilities (this does not apply to all of course) as leaders and promoters of school thought and interests.

³⁵⁰New Orleans Daily Picayune, May 17, 1912.

Our school affairs have depended for success upon cooperation and harmony among three separate bodies, the school board primarily, the police jury and the city council. No one is responsible to any other. There are often conflicts of opinion, jealousies of interest. There is never intelligent co-ordination of intent or effect.³⁵¹

Superintendent T. H. Harris sought a revised and complete general school law for the state in the session of 1912. This omnibus bill was known as the Burke bill after its principal author. Some professional education groups objected to the revision. These objections claimed that the State would dominate the schools and diminish local control if the Burke bill were passed.³⁵² However strong the criticisms were, and well publicized, the Burke measure was passed creating a comprehensive general school law.³⁵³

Perhaps more significant than the bills passed by the General Assembly, were the local school tax meetings held at various points throughout the state to secure community support for school construction. An example of such meetings was a community gathering called by the Superintendent of Schools of Ascension Parish. The objective of

³⁵¹Baton Rouge New Advocate, April 5, 1912.

³⁵²Ibid., June 6, 1912.

³⁵³Ibid., July 12, 1912.

the Gonzales meeting was the garnering of votes for the passage of a bond issue for a new high school. State Superintendent Thomas H. Harris and other school leaders spoke in favor of the bond project.³⁵⁴

These meetings represented a vital democratic process involving local populations directly in underwriting schools for their children. Often these meetings had more than local influence. When well-publicized as they frequently were, these local actions served to spur the efforts of communities that were lagging in providing school facilities.

When the General Assembly convened in the 1918 regular session, the operating deficits of the public schools brought many bills into the hopper of the House of Representatives. The usual result was forthcoming--legislative confusion. This confusion may be gathered from the following:

Constitutional amendments were proposed to cut the millage down from seven to three mills for state taxation. The amendment likewise provides that the parish, municipal and levee tax rates shall not exceed five mills on a dollar, which is just half of what it provides at present. Out of this five mill tax, the parish is required to pay

³⁵⁴Baton Rouge State Times, June 30, 1916.

the school board one and one-half mills which is equivalent to the three mills provided for on a fifty per cent basis under the present constitution. . . . The act likewise reduces all special taxes voted for a definite number of years at a fixed millage to be cut in half, so that they will not be burdensome on the people. The proposition is perfectly clear and plain to any reasonable thinking man.

The other constitutional amendment provides for one and one-half mill special school tax for the support of public education. This proposition is submitted to the voters on its own merit and it will be up to the people to say whether they wish to vote the additional amount of money for the support of the public schools. Also, in the same amendment, the parishes are required to levy an additional one and one-half mills to the support of the public schools, so that the state will give its one and one-half mills (for the support of public schools) and the parish its three mills for this purpose. The superintendent of public education states that nearly all the parishes in this state can and should abolish their special school districts for maintenance when this is done. . . .

There is likewise a provision in the enabling act that if the people refuse to vote the one and one-half mill special tax, there can be levied without an extra session of the legislature for the support of the public schools. Practically the entire increase of revenue provided for in this act, as you can readily see is the additional support to be given the current school fund and this proposition will be presented to the public on its own merits.³⁵⁵

When the Legislature met for its first post-war session in May, 1920, deficits characterized the parish

³⁵⁵Baton Rouge State Times, June 12, 1918.

school funds and an overdraft existed in the State's general fund. Some form of reform was needed. State Superintendent Harris and Superintendent J. M. Gwinn of Orleans Parish Schools had planned bills to increase the amounts of state and local support of schools.³⁵⁶ Governor Ruffin G. Pleasant's message to the legislature consisted chiefly of innocuous statements such as the following excerpt:

I wish to recapitulate by saying that all advances in taxes in this state have been the result of the actions of local police juries and municipal councils, levee boards, or the vote of local citizens in the aid of schools, roads, public buildings and drainage, plus a majority vote of the people of the whole state for constitutional amendments in aid of public schools.³⁵⁷

Seemingly little leadership in providing additional monies for public schools had been forthcoming from the Governor's office. In the resultant vacuum, the Louisiana State Board of Education presented a sweeping program of legislation for the public schools. Superintendent Harris explained these proposals which would double the state school millage and the parish school millage. These taxes

³⁵⁶New Orleans Times Picayune, May 8, 1920.

³⁵⁷Ibid., May 12, 1920.

would be constitutional levies requiring only the action of boards of control for imposition.³⁵⁸ These bills were the prologue to the Constitutional Convention which met in 1921.

The Constitutional Convention of 1921 was called by the Legislature in the regular session of 1920. The one hundred forty-six delegates assembled in Baton Rouge on March 1, 1921 and concluded their work on June 18, 1921. The local support of public education was recognized in Article XII, Section 14. The police juries were ordered to levy and collect a tax up to three mills and pay said proceeds to the parish school boards. The rate of local school taxes would be recommended to the juries by the school boards.³⁵⁹ By this provision, the parish police juries could not avoid levying the school millage. It must be noted however that the Constitution of 1921 did not place this taxing power in the hands of the parish school boards, but continued the troublesome dichotomy.

During the years immediately following the Constitution of 1921, conditions of general prosperity prevailed in

³⁵⁸New Orleans Times Picayune, May 28, 1920.

³⁵⁹Ibid., June 19, 1921.

Louisiana. These were the years of unparalleled exploitation of the state's natural resources. These were the "boom years." The ability of local units to pay the school millage under the provisions of the new constitution seemed equal to the task.

Seven years after the Constitutional Convention of 1921, excerpts from editorials commentary indicated the status of opinion concerning local levies for public schools. In south Louisiana, appeared this representative item:

Perusing the list of taxes paid in one of the parishes of Louisiana we are forced to the conclusion that St. Bernard is the tax payers' paradise. The millage in this parish all told, is 18-1/2 mills, which is not only the lowest in the state, but most likely in the entire South. St. Bernard pays a state tax, parish tax, levee tax, constitutional school tax, and a special road tax, and it ends there. And yet, once in a while we hear St. Bernard tax payers complain of the taxes they are called upon to pay, and when a special tax is proposed for some meritorious public improvement, which would benefit them a hundred-fold, they stand in their own light by opposing it, employing the argument that they are already over-burdened with taxation. As a matter of fact they are not.³⁶⁰

In northeastern Louisiana, the construction of a new school drew editorial attention:

³⁶⁰Arabi [Louisiana], St. Bernard Voice, June 4, 1928.

The dedication of the beautiful new Bonita High School next Wednesday marks another milestone in the march of progress in education in this parish. The new school is undoubtedly one of the most beautiful in the parish and is considered one of the best of its kind in North Louisiana. Education in Morehouse Parish has made steady, substantial progress and the new Bonita School is a crowning achievement, two more school buildings have been contracted to be built in Bastrop and one is now well under construction and will be ready to receive students when the school reopens this fall. This beautiful building is but a start of the new era in education in Morehouse Parish. The Enterprise congratulates the School Board and the people of Bonita on this excellent achievement.³⁶¹

In 1929, the era of prosperity disintegrated into the great depression. The pressures of the depression brought demands for extensive alterations in the tax structure of Louisiana. Demands for tax relief which began in 1930 sought a lessening of the ad valorem property tax at the local level. The newspapers carried on a vigorous anti-tax, anti-spend campaign, which has been already cited in this study. Their theme was tax reduction through retrenchment. The state administration sought a type of local relief by extending the taxing power of the state government and restricting parish and municipal levies.

³⁶¹Bastrop Enterprise, May 24, 1928.

Tax relief through the in lieu levy principle, while unsuccessful in 1930, became an open issue in 1932. The press of the state opened its campaign for no more taxes before the legislature convened.³⁶² Both the newspapers and the Long administration agreed that the property tax burden should be lightened, but differed as to means.

When the legislature convened, Governor Oscar K. Allen asked for more revenue and no property tax increases. Shortly thereafter a state income tax was proposed as an in lieu tax.³⁶³ A general sales tax on a graduated scale was also introduced for the same purpose.³⁶⁴ The urgency of the situation was sharpened by a proposed tax postponement to delay property tax collections until after November 1, 1932.³⁶⁵

In the chaotic struggle which followed, little could be done to implement the in lieu plan in the face of massive resistance. The time had not yet come for the resolution

³⁶²New Orleans Times Picayune, May 11, 1932; Shreveport Journal, May 13, 1932.

³⁶³Shreveport Journal, May 17, 1932.

³⁶⁴New Orleans Times Picayune, May 18, 1932.

³⁶⁵Shreveport Journal, May 17, 1932.

of the controversy. On May 14, 1933, the state treasurer ordered an indefinite postponement of sales of property for taxes.³⁶⁶ Parish and municipal governments were in extreme financial difficulty, yet there were no indications that the public press of Louisiana was ready to advocate the use of state in lieu taxes to provide the needed relief. One typical editorial sought help for the local public schools not through additional state aid but by a special tax on property.³⁶⁷

In 1934, the final steps toward resolving the manner in which property tax relief was to be granted had become an absolute necessity. As the local governments of Louisiana suffered more and more from the effects of the great depression which had curtailed their receipts, some means of state aid seemed to be the only answer. Property foreclosures and tax sales had by this time assumed the proportion of rapidly diminishing returns. Deteriorating property declined in value and local assessments dropped proportionately.³⁶⁸ Small property holders found them-

³⁶⁶Shreveport Journal, May 15, 1933.

³⁶⁷Ibid.

³⁶⁸Ibid., May 17, 1934.

selves oppressed by the existing tax millages, especially in rural areas where cash incomes had virtually disappeared. Two groups took form, each seeking tax relief. Local government officials sought state aid to substitute for their depleted tax returns. Rural property owners sought a reduction in their burden and looked to the State to provide the means.

In addition to these two groups which might be termed natural groupings, another category of relief seekers came to the fore in the larger cities. This latter force was composed of large rental property owners. These property holders asked for property tax relief as the end product of a program of reduced governmental costs. They sought to protect or increase their incomes derived from property. In New Orleans, a Property Owners' Association was formed. This association was very vocal and placed their requests for relief in frequent news articles and advertisements purchased in the newspapers. They consistently urged the Legislature to reduce the property tax.³⁶⁹

Prior to the convening of the Legislature on May 14, 1934, the expression of opinion from organized groups and

³⁶⁹New Orleans Times Picayune, May 1, 1934.

individuals swelled to a crescendo. Editorials appeared with increasing frequency.

Letters to the newspapers generally took the line of the following two examples:

I address our state legislators and thinking Louisianians through your paper.

I earnestly hope that some of the oppressive tax burdens unfairly borne by the mass of the people will be lifted by the forthcoming legislature. Relief programs outlined by the Louisiana Taxpayers' Association and several state legislators offer hope to the oppressed.³⁷⁰

Being a taxpayer for many years, I am naturally interested in the vitally important subject of taxes.

There is no doubt in my mind that there should be a reduction of the present taxes borne by the property holder, if business in general is to be benefited, especially the building business, also the buying and selling of real estate.

Owing to excessive taxes, losses in rents, upkeep, insurance, etc., the property holder is not able to make necessary repairs and finds it extremely difficult to hold onto his home or any other property he may possess. I think some other tax should take the place of the reduction granted the taxpayer.

I sincerely hope our representatives will do all they can when the legislature convenes toward getting the desired and much needed relief for the over burdened real estate tax payers.

I know there are many people in this city and state who are interested in this subject and trust that they will also express their views, so as to give the same more publicity.³⁷¹

³⁷⁰New Orleans Times Picayune, May 14, 1934.

³⁷¹Ibid., May 13, 1934.

The following editorial which appeared in the Shreveport Times was reprinted extensively by other Louisiana papers:

The Louisiana Legislature will meet on Monday next for its final biennial session under the present state administration. Upon the results of its deliberation will depend the peace and prosperity and honor and well-being of the state. . . .

Two years ago when practically every American state was cutting its costs to the levels consistent with safety, Louisiana besought to do likewise defiantly raised hers. Now when an aroused and militant public opinion in this state is thundering for economy, it is authoritatively reported that the state administration is willing to make concessions. If the Legislature does not adopt its own economy program, its own tax relief program, its own method of disposing of dedicated state taxes, and compel the administration to accept them, it will have committed an unpardonable breach of the public trust.³⁷²

As may be readily seen from the foregoing, the gist of meaning was very similar from all three sources--reduce government spending and cut taxes. To these groups and individuals, property tax relief could result from only one action. The program proposed by the Louisiana Tax Reform Commission for legislative enactment was based upon the in lieu tax idea.³⁷³ Instead of curtailing all state

³⁷²Shreveport Times, May 12, 1934.

³⁷³New Orleans Times Picayune, May 12, 1934.

services including public education in a reactionary wave of tax and budget cutting, the Allen administration proposed to increase state services and relieve the small property holders' burden. This novel program was to be financed by the State in lieu taxes. Governor Allen suggested an income tax, an adjusted tax on severance minerals, natural gas tax, liquor tax on a gallonage basis, a small tax on stock and cotton exchanges, and a tax on the receipts of public utilities corporations. Revenues from these new levies would provide homestead exemptions of up to \$2,000 and so relieve the property tax burden of the small tax payer.

Governor Oscar K. Allen outlined these recommendations in his address to the legislature:

It is evident that therefore practical relief should come in the form of relieving the parishes of their burdens in order to lessen local taxes. The burdens of the parishes are legal obligations which must be met. It therefore is necessary, if the state is to assist in meeting these obligations, that you devise ways to raise sufficient revenues to carry them.

It must be borne in mind that the primary object is to assist and relieve the small man. The small farmer, the small home owner and the poor man, constituting the mass of our people, who are hard pushed to obtain the bare necessities of life. It was for this reason that I advocated in the 1932 session of the legislature a change in the tax system of this state. I urged a shifting of the burden from the backs of the overburdened property

tax payers by means of a levy upon intangibles to be absorbed by those sharing in the profits and not to be passed on to the consumer. . . . With these principles in mind, I want to suggest to you measures of relief which you must carefully consider. Any measures you decide upon must bring relief to the little man without costing him one cent in additional taxes and the burden must be lifted from his shoulders.³⁷⁴

Governor Allen recommended the following policies on the provision of homestead exemptions (property tax relief):

I therefore suggest to you a homestead exemption so that the homeowners of this state may be relieved of the payment of property taxes on an assessment up to \$2,000. Such a measure would mean that the majority of small home owners will be free from the burdensome property taxes and that the foundation of the state will be preserved and strengthened.

Next to the preservation of the home in importance to the state is the education of its citizens. . . . You should provide measures to assure at least \$4,000,000 additional state support for schools as a guarantee for the continued operation of our schools and the payment of teachers. Providing such a sum would relieve almost entirely, the present drain on our parishes for school support.³⁷⁵

The larger property holders and the corporate interests eyed these proposals with obvious caution, fearing heavier indirect taxes. The fears of these groups was expressed in an editorial, "Looks Like We Are Due For a

³⁷⁴New Orleans Times Picayune, May 15, 1934.

³⁷⁵Ibid.

Buggy Ride."³⁷⁶ This same source attacked the in lieu propositions:

We have seen a great many legislatures come and go, and we do not get excited over them. Neither do we build any great hope upon them. We do express the wish, however, that the members should realize that there is need of real tax relief among the people and give it by spending less money. They can't give it any other way.³⁷⁷

The Legislature moved to consider the program suggested by the Louisiana Tax Reform Commission. The Commission had been studying ways and means of providing tax relief since its formation in 1932. The work of this commission had been endorsed by the public school groups of the state and the state administration. The third report of the Louisiana Tax Reform Commission contained a four-point outline for legislative action in 1934: (1) the creation of a property tax relief fund, into which all new taxes and some present taxes would be placed. (2) Out of this fund would be taken enough money to raise the total state school support to \$10,000,000 per year, three-fourths to be distributed on a per educable basis, one-fourth to be distributed on an equalization basis. (3)

³⁷⁶Baton Rouge State Times, June 1, 1934.

³⁷⁷Ibid., May 14, 1934.

Out of the property tax relief fund, secondly would go funds to provide for exemption from property taxation of the first \$2,000 of assessments on all bona fide homesteads in the state, the exemptions to be applicable only as funds are made available and to be distributed on a tax pro rata basis to the various agencies of the government. Relief would be given as additional taxes are voted. This will require about \$3,000,000. (4) The parish road bonds would be taken over as the third obligation of the property tax relief fund, an estimated cost of \$5,000,000.

To obtain the monies needed to finance this program, the Commission suggested seven areas of taxation: income tax, a manufacturer's tax on oil refining, a natural gas gathering tax, a tax on lubricating oil, an increased tobacco excise, a whiskey excise, a public utilities tax.³⁷⁸

Senator Huey P. Long came to Baton Rouge from Washington, D. C., to support the tax relief legislation. He declared, "I am most assuredly in favor of our tax relief program which we will have up." Long also favored the \$2,000 homestead exemption proposed by the Tax Reform

³⁷⁸Baton Rouge State Times, May 12, 1934.

Commission.³⁷⁹

When Senator Alphonse C. Gardiner of Acadia Parish announced that he would introduce four bills concerning public education, the relationships of tax relief, state aid to education and local support of schools emerged. "This legislation," Senator Gardiner said, "would change the principal support of the school funds from the parish to the state, increasing the state's yearly contribution from about \$6,000,000 to \$10,000,000."³⁸⁰ This single statement expressed the basic change in school support which the equalization fund and the proposed property tax relief fund implied--from local to predominantly state support.

How was this process to be carried out? In addition to providing an increased state public school fund, the Gardiner measures would provide:

1. For the apportionment of three-fourths of the school money on a per educable basis and one-fourth on an equalizing basis.
2. Retain the three-mill property tax and limit special taxes.
3. Reduce by one mill the present maximum of eight mills of special taxes allowed parishes for

³⁷⁹Baton Rouge State Times, May 11, 1934.

³⁸⁰New Orleans Times Picayune, May 15, 1934.

each \$800,000 additional contributed by the state above the sum now being supplied. Under the state's proposed \$10,000,000 contribution, this would mean that the parishes would not be allowed to levy a special school maintenance tax except in few instances.³⁸¹

After this publication, the Gardiner bills received very little notice in the public press until the Legislature began to vote their enactment by sizable majorities.³⁸² The implications of these measures were lost in the controversy which arose over the in lieu taxes. The school proposals were screened from public notice by the resistance to the new tax imposts.

The first to be taken up by the House Ways and Means Committee were the corporate and income levies. The editorial writer for the Baton Rouge State Times countered with an increased sales tax levy instead of higher industrial levies. The following comment appeared under the heading, "Help the Taxpayers":

What political leaders are looking for is a system of collecting taxes from those who can't vote, and making the taxes as high as possible.

The state had best bear some of the ills it has than shift to others that would play havoc with some of its substantial industries. You

³⁸¹New Orleans Times Picayune, May 15, 1934.

³⁸²Baton Rouge State Times, June 15, 1934.

can't get taxes by driving industry from Louisiana. During the meantime give the taxpayer relief by cutting two millions off the payroll. That would be real tax relief, and the taxpayers would get the immediate benefits.³⁸³

The New Orleans Times Picayune bitterly assailed the in lieu taxes and United States Senator Huey P. Long:

As listeners in on the Baton Rouge proceedings may have noted already, the talk there about tax relief is vague and general, whereas the talk about new taxes is definite and specific. We are invited to persuade ourselves that when the proposed additional are saddled upon Louisiana's people certain of the existing levies will be or may be reduced. Published estimates of the new tax yields indicate that the total tax burdens, if the proposed additional levies are jammed through, will be considerably heavier than our present burdens. But we are requested to believe that moderation of one of the old taxes, nevertheless will provide that for which there is statewide demand.

As it seems to us the only way to insure real tax relief is by reducing those burdens by reducing the grossly swollen state expenditure by cutting out the grafts, sinecures, and other wastes. Mr. Long and his gubernatorial valet have apparently set their faces against that way of relief. Their story is that the prospect of getting some homestead exemption and the implication that other standard taxes may be cut later justifies the additional tax loads they demand. These extra impositions are unctuously described as in lieu taxes.

Some time ago a Mid-Western champion of the income tax, now proposed for Louisiana, asserted that this levy leads to a reduced tax rate on property. His assertion prompted an investigation

³⁸³Baton Rouge State Times, May 22, 1934.

by the Chicago Tribune. 'One searches in vain,' that newspaper announced in due season, 'for any actual reduction that followed the enactment of any income tax. . . . The Wisconsin record, the Tribune asserts, 'is substantially the record of all taxes that have been proposed as relief for a property tax, but a burden added to it.'

We recommend this exposé, by a great Mid-Western newspaper whose factfinding resources are ample and competent to the attention of Louisiana taxpayers --and to the prayerful consideration of their representatives in the legislature.³⁸⁴

Oblivious to open resistance and protests from many quarters, the House moved to frame the first of the measures needed to create the in lieu taxes for property tax relief. The schedules for the state income tax and the corporation tax were drawn as follows:

The normal tax on individuals would begin with two per cent up to \$1,000 and would range up to 25 per cent on taxable incomes in excess of \$10,000. A surtax of four per cent would be levied on surtax net incomes of from \$4,000 to \$8,000 and this would be graduated upward to a 59 per cent surtax incomes in excess of \$1,000,000.

The corporation tax would be levied on the basis of net incomes in excess of invested capital. The tax would range from six per cent on net income not exceeding 10 per cent of the invested capital to 50 per cent of the new income in excess of 25 per cent of the invested capital.

These revenues after deducting the costs of collections, would go into the property tax relief fund, the creation of which would be provided for through another amendment to the constitution. The revenues accruing to the property tax relief fund

³⁸⁴New Orleans Times Picayune, May 22, 1934.

would be used first, to bring total public school support from the state to \$10,000,000; secondly, to provide property tax exemptions on homesteads up to \$2,000 of the assessment, and thirdly, taking over parish road bonds.³⁸⁵

As these new levies were made public, a fresh storm of protest appeared in the press. Front page lead articles declared that "tax increase protests grow over Louisiana." Meetings were held in Alexandria, Monroe, Hammond, Coushatta, New Iberia, Jeanerette and Bastrop, by groups seeking to halt the new legislation.³⁸⁶

When Representative Lorris M. Wimberly rose in the House of Representatives to explain the in lieu revenue bills, he made an unfortunate reference to their complexity. Wimberly stated that only a tax expert could thoroughly understand the in lieu tax program.³⁸⁷ This was immediately seized upon by the newspapers in a wave of bitterly sarcastic articles. The number of bills related to tax relief was referred to as the "deluge in the legislature."³⁸⁸

³⁸⁵Baton Rouge State Times, May 28, 1934.

³⁸⁶Ibid., June 4, 1934.

³⁸⁷New Orleans Times Picayune, June 8, 1934.

³⁸⁸Baton Rouge State Times, June 5, 1934.

The Kiwanis Club of New Orleans, expressing the view of an organized civic group, saw new dangers to business and industrial growth in the state income tax. Julian K. Bryne, speaking at a luncheon meeting of the Club, said that the proposed levy would drive out business and compel many corporations to remove their main offices and incorporation status from Louisiana to other states. Others present at the meeting stated that if the maximum law was passed, Louisiana would be set back twenty-five years and the law would be a punishment to the upper classes.³⁸⁹

A meeting held in Clinton, Louisiana, sought to get firm declarations on new taxes from the legislators representing East and West Feliciana parishes. State Senator James A. Richardson did not attend or send a personal representative. His action drew a violent reaction from the assemblage. Threats were made of "tar and feathers." After a tumultuous session the group demanded the resignation of the area's legislators if they would not oppose the administration's program.³⁹⁰ This meeting was only one of many expressing resistance to the

³⁸⁹New Orleans Times Picayune, May 30, 1934.

³⁹⁰Ibid., May 19, 1934.

in lieu taxes.

Petitions, demanding no more taxes and state economies were received by the House. These petitions served to bolster the editorial campaign which featured items similar to the following:

But if those who still have their feet on the ground are lulled into the position where the state is going to do some experimenting, is going into the wholesale business of exempting homesteads, voting additional millions for the public schools instead of insisting upon economies there, and in addition taking over the local tax burdens of road districts, then the state is hopelessly lost. . . . The school lobby is out in full force for additional revenue, but what the schools actually need is to have the money due them earmarked, and paid when it is collected and to see that it is not diverted to other funds. That is a sure and the real cure for the financial difficulties. New taxes will drive off industrial investments in Louisiana.³⁹¹

The opposition, perhaps frustrated by the lack of attention paid them by the Legislature and the state administration, became emotional. Articles were captioned in emotive language such as, "Resentment Wave Against Batch of Levies Spreading."³⁹² In New Orleans, a much publicized anti-tax rally speaker warned that blood might flow to end

³⁹¹Baton Rouge State Times, June 6, 1934.

³⁹²Ibid., June 7, 1934.

the "oppression." A march upon Baton Rouge was threatened to force the Legislature to listen. The homestead exemption was branded a blind to impose more taxes.³⁹³

This last charge was reiterated at Oak Grove, where a taxpayers' meeting passed resolutions declaring the homesteads measure to be inadequate and a mere pittance which was to be used as a dodge to impose more taxes upon the State. The Baton Rouge State Times responded to the Oak Grove resolution, commenting, "They know a piece of demagoguery when they meet it on the road."³⁹⁴

In Monroe, a similar meeting was held, with similar results. In Ville Platte, a group of Evangeline Parish taxpayers took the same position, condemning the new taxes. A tri-parish meeting gathered in Hammond and protested the tax bills.³⁹⁵

In an effort to allay these outbursts, Representative J. Porter Burgess, a member of the Tax Reform Commission spoke in defense of the new program:

The program which has been presented to this

³⁹³New Orleans Times Picayune, June 13, 1934.

³⁹⁴Baton Rouge State Times, June 8, 1934.

³⁹⁵Ibid.

legislature by the Louisiana Tax Reform Commission does not benefit the man or the taxpayer who is not now paying his just proportion of the taxes in this state, but it does relieve those taxpayers who have paid more than their proportion in this state; we have discovered that the property taxpayers were paying approximately 88 per cent of the total cost of the state and parochial government. We also discovered that property did not represent half of the wealth in the state of Louisiana and what we seek to do in this program is to bring about a minimum cost of government and bring every class of wealth into the taxing system of this state, so that everyone will contribute his share to the cost of government.³⁹⁶

On June 9, 1934, a substitute tax relief plan by Representative Hewitt Bouanchaud of Point Coupee Parish was given extensive publicity. This plan would give property tax relief and provide adequately for the schools without voting any new taxes other than on liquor. By economizing in state government the necessary funds to make up the \$10,000,000 to be dedicated to the schools would be obtained. With appearance of the Bouanchaud scheme the relationship between state school monies and the property tax relief fund became apparent.³⁹⁷

Belatedly, the presentation of John M. Foote of the State Department of Education, made several days previously

³⁹⁶Baton Rouge State Times, June 8, 1934.

³⁹⁷New Orleans Times Picayune, June 9, 1934.

in a committee hearing appeared in the newspapers. Foote had stated that the mandatory provisions of the school bill would require reduction in local school maintenance revenues as state support increased. He said that the highest school tax in Louisiana after the \$10,000,000 is raised would be six mills, whereas they presently could and did go as high as eighteen mills in some parishes. All the parishes in the state, with two exceptions, would get property tax relief. East Baton Rouge Parish and Orleans Parish would not receive reductions.³⁹⁸

As an anti-tax rally gathered in Baton Rouge, the event received front page coverage and editorial approval. A spate of editorial articles repeated the refrain of previous effusions, demanding "real tax reform," claiming "taxes will drive out industry," "taxes are designed to tax only a few industries" et cetera ad infinitum.³⁹⁹ It seemed that the authors of these items believed that repetition was the secret in creating public opinion. Viewed in perspective, the cries of taxes, taxes, taxes, resembles the wolf cry of ancient fable.

³⁹⁸New Orleans Times Picayune, June 9, 1934.

³⁹⁹Baton Rouge State Times, June 12, 1934.

Amidst the din, the Legislature proceeded with its work. The first of the Tax Reform Commission's bills went through the House and Senate authorizing the increased public school fund of \$10,000,000. A proviso of this measure limited the special school taxes of the parishes to five mills.⁴⁰⁰

At this juncture, Representative Hewitt Bouanchaud came forward with the details of the substitute plan which had been introduced earlier. The heart of the Bouanchaud bill was state economy and dedication of existing taxes. By adding a \$1,500,000 general fund appropriation to the constitutional taxes, severance residue, tobacco excise and corporation tax, the ten million for the state school fund would be amassed. In addition, all school funds would be earmarked and segregated. For every \$800,000 increase in state school funds, a corresponding reduction of one mill would be made in parish taxes. Bouanchaud claimed that his plan would decrease the maximum limit for special school taxes to three mills when the state school fund reached \$10,000,000. Thus the reduction would be felt most where the wealth was least, and the need greatest, tending to

⁴⁰⁰Baton Rouge State Times, June 15, 1934.

equalize the burden.⁴⁰¹ The state administration adherents defeated these measures.⁴⁰²

The failure of the Bouanchaud proposals elicited immediate editorial response from the Baton Rouge State Times:

If tax relief was wanted, the Bouanchaud bill pointed the way. The relief would go without any possible political advantage to those parishes that at the present time, are bearing an excessive burden in the maintenance of their schools. The relief would have been placed where it would have done the most good and where it should have been extended. But, that was not what was wanted, but political advantage.⁴⁰³

If this comment is examined in the light of John M. Foote's prior statements showing that East Baton Rouge Parish would be one of the excepted parishes, the editorialist's argument shows local bias, not a genuine concern for statewide conditions. This localism was also evident in the predictions of industrial calamity and a decline in employment levels as neighboring corporations threatened to suspend operations or cut labor forces. The Standard Oil Company of Louisiana was a case in point where open

⁴⁰¹New Orleans Times Picayune, June 16, 1934.

⁴⁰²Baton Rouge State Times, June 21, 1934.

⁴⁰³Ibid., June 22, 1934.

threats of reprisal were bandied about.⁴⁰⁴

Hard on the heels of these doomsday forecasts the increased equalization fund and the property tax relief fund were passed by the Legislature. The necessary in lieu taxes were enacted to provide revenue support. By these measures the dominant role of the state government in taxation and support of public education was established.⁴⁰⁵

On July 10, 1934, the Louisiana Legislature adjourned, after creating the precedents of shifting tax emphasis and support emphasis from local units to the state. The fog of controversy obscured the vital import of this action. The lack of understanding in the public press was exemplified by this article:

The Louisiana legislature, which completed its session on Thursday and took final adjournment, left a record for destructive legislation and utter disregard for public wishes that will mark an all-time high for Louisiana lawmakers.

In the face of demands universal all over the state, that the legislature reduce the tax bills of the people of Louisiana, by reducing expenses, the legislature proceeded to increase tax bills and increase expenses.⁴⁰⁶

⁴⁰⁴New Orleans Times Picayune, May 30, 1934.

⁴⁰⁵Baton Rouge State Times, July 11, 1934.

⁴⁰⁶Ibid., July 14, 1934.

It would seem that the implications of property tax relief fund, homestead exemptions, assumption of parish bonded debt, increased state aid to public schools and the in lieu taxes were lost. The utilization of the statewide tax base and the broader taxing authority of the state government seemed incomprehensible to a generation which had experienced the growth of local responsibility. The underlying issue of state versus local government was resolved by legislative fiat.

The degree of acceptance enjoyed by this action became apparent in 1936. A two per cent tax on luxuries was proposed to furnish funds for the full \$2,000 homestead exemption.⁴⁰⁷ Existing revenues could not furnish the requisite money. The same journalists that opposed the in lieu taxes in 1934, now gave unqualified advocacy to the luxury tax.⁴⁰⁸ Perhaps the press recognized the function of the complex system of in lieu levies and state aid to local services, especially education.

This same problem of availability of funds for the homesteads reappeared in the regular session of 1938. The

⁴⁰⁷Baton Rouge State Times, June 16, 1936.

⁴⁰⁸Ibid., June 23, 1936.

following excerpt from a typical editorial serves as an index of the acceptance of the fait accompli:

Among the various bills being thrown into the legislative hopper during these early days of the session are two regarding homestead exemptions that might well recieve careful consideration.

Both would have the effect of applying the exemption to city taxes in the municipalities of the state, as well as the parish and district taxes at present. Both proposals would involve constitutional amendments.⁴⁰⁹

As changing economic conditions brought increased prosperity to Louisiana and the Nation some changes in the tax millage limits were made to conform to the needs of the times. After World War II, many Louisiana parishes were in need of additional local school taxes to sustain school construction programs. These requirements were met by changes in the tax laws.⁴¹⁰ The school bond elections became purely local affairs, standing or falling on local issues.

While the proportion of state aid to the public schools continued to exceed fifty cents on the dollar, some criticism from pressure groups appeared from time to time. Notable among these postwar organized groups was

⁴⁰⁹Baton Rouge State Times, May 11, 1938.

⁴¹⁰New Orleans Times Picayune, June 9, 1948.

the Public Affairs Research Council.⁴¹¹ PAR attempted to resurrect the old controversies, but to date the discussions have had the academic flavor of dissertations on national prohibition or women's suffrage. The battle of state versus local support of the public schools was decided in favor of the State by the outcome of the regular session of the Louisiana legislature in May, June and July, 1934.

⁴¹¹Baton Rouge State Times, July 2, 1952.

CHAPTER II

STATE REGULATION AND SUPERVISION OF PUBLIC EDUCATION IN LOUISIANA

The development of the concept of state supervision and control of public schools was inherent in the establishment of state boards of education and chief state school officers in the nineteenth century. The duties of the early state superintendent of education were chiefly clerical and not very well defined. The pattern of evolution in Louisiana followed the national trends but lagging by several decades owing to the effects of Civil War, Reconstruction and economic depression.

State supervision of instruction was established as a principle long before the State Superintendent was given state school inspectors to physically carry out the responsibility. With the formation of a state department of education more effective enforcement of statewide school policies was possible. Public demands for compulsory school attendance, standards of teacher training, the inclusion of special subject matter in the curriculum, standards of

excellence in school organization, and provisions for teachers' welfare were carried out by state action. Through Statutes passed by the Legislature, provisions of the State Constitution, and rules and regulations of the State Board of Education the wishes of the people of Louisiana were shaped into state control of public education. This study deals with the controversial aspects of the implementation of public control of the schools from the state level. Not all aspects of state regulation and control attracted attention in the public press, nor were they brought about as public issues with varied interest groups seeking to influence the course of public opinion.

One of the first areas subjected to state control was that of instruction. The Women's Christian Temperance Union was perhaps the first organized group to seek and obtain legislation dealing with the materials to be taught in the public schools. Act No. 40, 1888, was a direct result of the activity of the WCTU. This statute in part, reads:

In addition to the branches in which instruction is now given in the public schools, instruction shall also be given as to the nature of alcoholic drinks and narcotics, and special instruction as to the effects upon the human system in connection with several divisions of the subject of relative physiology and hygiene, and such subjects shall be taught

as regularly as other branches are taught in said schools.¹

In the regular session of 1902, the school boards of Louisiana requested an amendment to exempt the primary schools from the provisions of the law. The proposed change aroused the WCTU to send well-publicized petitions to the House Committee on Education, protesting any exemptions. The Temperance Union, reflecting the contemporary pattern of agitation for prohibition, protested for "fear that evils of narcotics and liquor would no longer be held up to the youth of the state in all their horror." The General Assembly did not amend the statute.²

Periodically the WCTU and other temperance organizations would attempt to direct the attention of the public and school officials to the temperance education law. A case in point was the well-publicized action of the Baton Rouge WCTU in mailing out pamphlets to the school superintendents of Louisiana, enclosing copies of the law. These circulars demanded the enforcement of Act 40, 1888, in the public schools.³

¹Acts of Louisiana, 1888, Act No. 40.

²New Orleans Daily Picayune, May 21, 1902.

³Baton Rouge New Advocate, February 22, 1912.

While the Women's Christian Temperance Union exemplified the role of a pressure group in shaping the content of the school curriculum by state action, other groups either encouraged or disparaged the efforts of the State in public school programs. This was often expressed in the newspapers through an exchange of letters between persons interested in education.

In 1912, a series of such letters appeared in several papers of the state. Some of these urged legislation to improve the rural schools of Louisiana. Others ridiculed the development of agricultural and vocational instruction in the schools. These may be evaluated in the light of the dependence of Louisiana's economy in 1912 upon agriculture.

The following illustrates appeals of the first type:

To the Editor:

A large per cent of our children are educated in country schools. These schools are bare, bleak, and forlorn with few exceptions. There are some things in our courses of study that do not fit the country boys and girls. We are training them for the high school, college or university and consequently away from the farm. This is wrong. We need an adjustable course of study, that will train our children for efficient country life. Our entire course of study should be industrialized. Make the country schools attractive, give the country children a practical education and the country will become thrifty and happy. When the farmer thrives, the rest thrives. We have neglected the country school too long.

It is believed that the present legislature will so amend our school laws as to make our country schools efficient.

J. W. Caldwell.⁴

As if in support of Caldwell's plea, C. J. Brown, the state supervisor of rural and elementary schools, sent out a circular letter to the parish superintendents urging the advancement of rural schools. Brown's letter published in the newspapers was intended for public consumption. Widespread commentary such as the statements below appeared with or following the publication of the letter:

State supervisor of rural schools, C. J. Brown is sending out a letter to the various parishes calling their attention to the necessity of improving the rural schools. Better organization so as to permit effective work in keeping with the equipment of the schools is urged by Mr. Brown. He emphasized the fact that the rural schools should not attempt to do primary, intermediate, high school and college work, but should confine itself to certain work.⁵

A second letter from J. W. Caldwell was an appeal to the General Assembly for state aid for the rural schools:

To the Editor:

What are we going to do for our country schools? Nothing in the bills so far offered, proposed anything. The education of country children (seventy-six per cent) is a very serious question.

⁴Baton Rouge New Advocate, May 17, 1912.

⁵Ibid., June 1, 1912.

Is the present legislature going to ignore the one-room country schools? The nine months city course is too long and otherwise does not fit. Why not have a distinctive, effective country course? We have played with this question too long.

J. W. Caldwell⁶

The letters written by an individual using the pseudonym "Farmer Corntassel" were different in tone and content. In a column long item, "Farmer Corntassel" satirized the agricultural schools and scientific farming. The writer closed, "But I have written enough, farming is what we need, not agriculture." When a second letter appeared from the ubiquitous Corntassel, a rebuttal was published on the opposite page, signed by "Plain Farmer." Headed, "Roasts Mr. Corntassel," "Plain Farmer" using homely humor effectively squelched his opponent's assertions and proceeded to catalogue the benefits derived from agricultural education.⁷

The exchange was allayed temporarily after the adjournment of the General Assembly of 1912. Two years later a similar series began in another quarter of the State. This group of articles was frequently reprinted by the state's newspapers. The dispute began when the Bastrop Enterprise

⁶Baton Rouge New Advocate, June 10, 1912.

⁷Ibid., June 18, 1912.

printed a long diatribe which characterized the schools as centers of idleness and play. This was signed by "An Old Fogey." The Enterprise answered editorially with the following:

An old fogey remarked the other day that the modern public school was going to grass by mixing too much play with work. Old Fogey does not think Jack would be a dull boy if kept at work. He even advocated practice work with a cross-cut saw and club axe instead of the delights of basketball and tennis and undress uniforms.

We do not agree with Mr. Fogey at all, not at all; but when parish, district, and state rallies follow each other so closely, each calling for time and money, we at least treat Old Fogey with tolerance.

After the questions: What is whiskey? and, What is Beer? are settled, we suggest that the next great question for scientists is: 'What is a public school and what is it for?'⁸

In an attempt to attract the attention of the state legislature to proposals for agricultural education, J. W. Caldwell addressed letters to the newspapers in 1914:

To the Editor:

State Superintendent Harris and the Louisiana State University have programs for legislative endorsement. They seem to be progressive. We have too much educational machinery and not enough steam to keep it going. The reforms proposed look to simplicity and efficiency. Let them be adopted. Louisiana is pre-eminently an agricultural state. We ought to spend more money for agricultural education and farm efficiency. The farmers, truckers,

⁸Baton Rouge State Times, May 19, 1914.

and dairy people are the largest taxpayers. They come more nearly being the original taxpayers than any others and should have efficient and far-reaching educational facilities.

The state of Louisiana gives more money for industrial education than for any other to its university. Our present legislature can show its interest in the agricultural future of the state in no better way than to amend the school laws and make handsome appropriations for Louisiana State University and agricultural education over the state.

J. W. Caldwell⁹

Very little response to the appeals is to be found in the legislative acts or in journalistic comment on school topics of the type discussed in these letters and articles. As World War I soon occupied the attention of the people and the state government, school problems disappeared from the public prints.

State regulation and supervision of the instructional programs of the public schools of Louisiana grew with the gradual expansion of the State Department of Education. No widespread popular movements or pressure group activities sought to get changes in the curricula of the schools. This may be attributed to the economic upheaval of the 1920's and 1930's, to public apathy, or to the long, continuous tenure of State Superintendent Thomas H. Harris.

⁹Baton Rouge State Times, May 19, 1914.

Harris was a strong and influential figure in Louisiana public education for over three decades. It is significant to note that proposals for changes in the curricula of the schools appeared after his exit from office in 1942.

The first indication of a break-through in the status quo was revealed when a school survey committee, appointed in 1940 as authorized by the Legislature, published its findings in the spring of 1942. This committee report recommended a series of changes in the instructional program of the schools. It was proposed that the schools enter the economic, social and home-life fields:

Asserting that the home life and community life may be considered the intellectual soil in which education must take growth if it is to live, the study holds that no education can be vital unless it has roots deep in the cultural soil of the community. The chief end for the public schools is that of improving living and for that reason school programs should be fitted to the need and progress of the local communities.¹⁰

This comment seems to bear an uncanny resemblance to the letters and editorials which appeared in the press thirty years previously. Other than desultory efforts by the Parent Teacher Association, there were no organized public efforts to secure appropriate legislation from the

¹⁰Baton Rouge State Times, May 11, 1942.

survey report. Wartime conditions and the active opposition of State Superintendent John E. Coxé worked to shelve the work of the school survey committee:

I doubt very much any wholesale legislative action to carry out the purposes of the survey. I think the state department of education, the state board of education and the parish school boards are now cloaked with much of the authority required to effect the improvements recommended

As I have said on numerous occasions, I am convinced this survey will be of tremendous value to school officials and to citizens in general in bringing about the improvements which all desire.¹¹

After the recommendations of the school survey committee passed into oblivion, changes relevant to instruction seemed foreordained to a quiet end, until 1956. In the stormy regular secession of the legislature in 1956, a bill to authorize the use of corporal punishment was introduced. The newspapers dubbed this measure the "hickory stick bill." A lengthy article written by Lemos L. Fulmer, a professor of education at Louisiana State University advocated the passage of the bill. Originally printed in the Baton Rouge Morning Advocate, the story was extensively reprinted in the metropolitan dailies of the state.¹²

¹¹Baton Rouge State Times, May 8, 1942.

¹²Ibid., June 28, 1956.

When the proposal was reported from the House Education Committee to the floor, a sharp debate broke out. Representative Sidney Sylvester, a school principal, asked his colleagues,

Have you ever been in a classroom and heard one of these little brats dare you to touch them? When you have to ask them, 'please don't do that, please don't do this,' you're depriving the students who do behave the valuable time of a teacher confronted by one or two brats.

"That may be so," Representative Frank Diesl countered, "but it's as bad when a teacher loses his temper and spansks a child." The bill was returned to the calendar at the request of the sponsor, Representative A. T. Sanders, until amendments could be made to meet the objections. The "hickory stick bill" expired with the adjournment of the legislature.¹³

I. COMPULSORY ATTENDANCE

An area closely related to the instructional program of the schools has been that of compulsory school attendance. Most of the states of the South were slow in adopting attendance laws. Louisiana has been no exception to this

¹³Baton Rouge State Times, June 29, 1956.

generalization. The Constitution of 1898 made no provision for school attendance laws. The first such legislation was proposed in 1900. A measure was introduced to compel school attendance by every child between the ages of seven and fourteen years. Persons having control of such children would annually "cause them to attend for at least sixteen weeks, twelve of which would be consecutive." The bill further provided for attendance at some school public or private, which would begin for pupils under ten years at the beginning of the first term; and not later than December 1 for pupils above the age of ten years. Exception was to be made where satisfactory evidence could be shown that the child was being instructed at home by competent teachers. The punitive provisions would assess a fine of not less than one dollar or more than five dollars and court costs. Such fines would be paid into the city or parish public school funds. False statements by parents or guardians were to be made punishable by fines of from three dollars to twenty dollars. The appointment of local truant officers was included, "whose duty it will be to arrest children who are habitually haunting public places and put them in school

and prosecute the parents for the violation of the law."¹⁴

The proposed attendance law failed of passage through public apathy and lack of legislative support. The idea, however, did not pass into oblivion. Teachers' groups worked for the passage of such a law. A decade after the first bill was introduced the New Orleans Educational Association sought such a bill for the municipality of New Orleans alone. The Association was able to muster the support of other groups and individuals. The report of this organization pointed to the creation of a juvenile court for the city and an effective state child labor law. Under these conditions a compulsory school attendance law was a pressing need. Judge Andrew Hall of the Juvenile Court supported the movement and assisted in the preparation of the text of the proposed bill. This measure was endorsed by the parents' organizations of New Orleans, the directors of the board of trade and the various women's organizations of New Orleans. A unique politically active body of citizens, the Public School Alliance, agitated for the passage of the compulsory attendance bill. The Alliance publicized the conditions which existed and cited Louisiana as one of six states in

¹⁴New Orleans Daily Picayune, May 17, 1900.

the union which did not have a compulsory school attendance law.¹⁵

What did this Orleans measure propose?

The bill provides for the attendance of some school, private, denominational, parochial or public of all children, residing within the parish of Orleans, between the ages of eight and fourteen years inclusive for a term of ninety consecutive school days. Parents are exempted from the penalty of the law, if upon presentation of satisfactory evidence that the bodily or mental condition of their children is such to prevent or render advisable attendance at school or application to study; or that their children are being instructed at home in the common branches by a person qualified in the judgment of the parish superintendent of education, or that their children have completed the course of study; or that no public school is located within twenty city blocks of their homes. The bill likewise provides the penalties for violations of the act and the means for carrying it into effect. The proposed law is purely local in its provisions and should gain the approval of all who are interested.¹⁶

The Orleans Parish school attendance law of 1910 was the first to go into effect in Louisiana. An effective attendance law to have statewide application was drafted in 1916. This piece of legislation, if passed, would become effective by September 1, 1916. Every parent having control or charge of a child between the ages of seven and fourteen,

¹⁵New Orleans Daily Picayune, May 18, 1910.

¹⁶Baton Rouge State Times, May 19, 1910.

would be required to send said child to school, public or private. The minimum session attendance would be 140 days, with the following categories of children exempted: (a) mentally or physically incapacitated, (b) who have completed the course of study, (c) who live more than two and one-half miles from a school, (d) children for whom adequate provision has not been made. The authority to appoint truant officers was given to the parish school boards. Orleans Parish was excepted from the provisions.¹⁷

This proposal which would have given Louisiana a workable attendance statute to replace an almost meaningless law passed in 1912,¹⁸ failed to be enacted. It died for want of adequate support of any kind. No efforts were made by educational groups or the newspapers to explain to a large rural population the need for such legislation. A weak law was re-enacted after the constitutional convention of 1921,¹⁹ and patched with ineffectual amendments during the 1930's.²⁰ The drive for workable, enforced, efficient state

¹⁷Baton Rouge State Times, May 9, 1916.

¹⁸Acts of Louisiana, 1912, Act No. 232.

¹⁹Acts of Louisiana, 1922, Act No. 117.

²⁰Acts of Louisiana, 1932, Act No. 49.

compulsory attendance began in 1942.

In 1942, the school survey committee recommended a stronger school attendance law. This was endorsed by other educational groups. The Louisiana State Board of Education favored some change. The Louisiana PTA supported the movement. Very little newspaper comment or support could be found either pro or con. State Superintendent Coxe opposed the measure on the grounds that wartime conditions prevented the construction of the needed school facilities to accommodate the increased number of students.

Coxe's viewpoint seemed to prevail in the Senate Education Committee which reported the bill unfavorably. As a result the measure failed to become law. Mrs. Paul A. Blanchard, secretary of the school survey commission issued a bitter statement to the press condemning the actions of the State Superintendent and the Legislature:

The failure of the committee to report the bill favorably dooms the hope that thousands of poorly educated children would be at least brought into the school program and magnifies the burden of illiteracy which has handicapped the state for so long. For the State Superintendent of Education to be leading the fight against school attendance is one of the amazing ironies of our educational system. For the administration leaders under whose regime the unhappy facts of our public school system were revealed, to join in this opinion adds to the complexity. . . .

The senate education committee on the advice

of Superintendent Coxe, refused to protect the educable children and Louisiana will continue to deserve the scorn of the nation as the most illiterate state in the union. At least we are beginning to see more clearly each year where the blame actually lies.²¹

As the regular session of 1944 approached the movement for a new compulsory school attendance law gathered support. The state board of education unanimously endorsed a request to the legislature to "enact such legislation as will be necessary for effective compulsory school attendance to meet requirements set up by the state board, with a head in the state department of education."²² Teachers' groups and the Louisiana PTA actively sought legislative and public sympathy for the new law.²³ The aid of Governor-elect James H. Davis was enlisted in favor of the measure.²⁴ Supported by school groups, the new compulsory attendance law was introduced to provide for a state supervisor of attendance and parish level visiting teachers to supervise and operate the new statute. The list of exemptions was

²¹Baton Rouge State Times, June 11, 1942.

²²New Orleans Times Picayune, May 7, 1944.

²³Baton Rouge State Times, May 18, 1944.

²⁴New Orleans Times Picayune, May 5, 1944.

shortened and all children between the ages of seven and fifteen, inclusive would be required to attend some type of school for at least 180 days. Thus no delays were granted or absences other than those specifically authorized as the period of attendance coincided with the length of the school year.²⁵

The school attendance law was overshadowed in 1944, by a more bitter controversy, the appointive superintendency. The Louisiana press became so involved in the resulting furor that the attendance bill received little more than passing notice. With no significant or articulate opposition and with the steady backing of school organizations,²⁶ the first modern school attendance legislation for Louisiana was passed by the senate on June 6, 1944.²⁷

II. TEACHERS AND STATE REGULATION

The State's role in the areas of teacher pay, tenure, and salary expanded as legislation placed these responsibilities under the centralized control of the state by

²⁵Baton Rouge State Times, May 31, 1944.

²⁶Ibid., June 8, 1944.

²⁷New Orleans Times Picayune, June 6, 1944.

statutory provision. The economic status of the teaching force has been one of the vital factors in determining expenditures for the public schools.

The level of teachers' salaries in 1898 reflected the economic position of Louisiana. The level of state and local spending for public education had not recovered fully from the effects of Reconstruction and the reaction of Redemption which had frozen the limits of appropriations. The new Constitution of 1898 did not embody any salary provisions for the public school teachers, nor did the sections on education require the enactment of salary scale statutes by subsequent legislatures. To emphasize the gravity of the teachers' economic position in 1898, conditions which prevailed in Orleans Parish may be cited as a case in point:

The joint committee on finance and the schools met last night to consider the claims of school teachers for back pay as to validity. Judge Boatner appeared in behalf of the claimants and quoting the law with relation to the employment and payment of the teachers, showed that the teachers and other public employees were engaged at an annual salary and that it was payable in twelve monthly installments. The city had failed to pay for some of the months and hence the claims had accrued. The constitutional convention has specifically directed the city council to audit the claims and pay them if correct. If the council had had any economic ideas of depriving the hard-working teachers of their honest earnings they were all wrong, unjust, and

unbecoming the high principles of men of integrity. The meeting adjourned until more information could be mustered on the subject.²⁸

The situation did not seem to have changed appreciably four years later. When the question of an increased salary for the parish superintendent of schools was discussed, the Orleans school board spent an entire night in continuous session. The proposed raise would increase Superintendent Warren Easton's salary from \$2,500 to \$3,500 per year. The result was indecisive. A full column and a half of newspaper space was devoted to reporting the matter.²⁹ It was viewed as a major financial crisis. While the Easton case dealt with a narrow aspect of the salary problem, it was indicative of the much broader issue of teachers' pay in 1902.

The extent of the problem was apparent from Governor William W. Heard's message to the legislature on May 12, 1902. Based upon the State Superintendent of Education's report for the 1900-1901 biennium, the average monthly salary for white male school teachers was \$42.50; for white female teachers, \$33.00; for colored male teachers, \$26.50;

²⁸New Orleans Daily Picayune, June 21, 1898.

²⁹Ibid., May 10, 1902.

for colored female teachers, \$23.00. While the governor urged an increase in the current public school fund, no recommendation was made for increased teachers' salaries.³⁰

The small importance attached to salaries by Governor Heard was accompanied by a general public apathy in this area until 1910. In that year editorial writers concerned with school problems brought attention to the economic status of the teacher:

Progress in public education can be determined by the character of the supervision employed, the ability of the teachers engaged, the amount of money invested in the schools and the interest manifested by the people locally. Measured by these standards the schools of Louisiana have gone forward during the past two years.

The average salary of parish superintendents, counting office expense is \$1,500 a year, the highest salary paid by any Southern state.³¹

After proposals had been made in some quarters for the retrenchment of teachers' pay, the same writer praised the local agencies that rejected economy at the expense of the teachers:

Both the City Council and the Civic Federation deserve the thanks of the community for opposing strenuously any propositions to reduce the teachers' salaries in East Baton Rouge Parish.

³⁰Baton Rouge State Times, May 12, 1902.

³¹Ibid., May 9, 1910.

The greatest assets the city has consists of the young men and women who are leaving high school and the universities for work-a-day life and their efficiency depends absolutely upon the character of the foundation for effort given them in the primary and secondary schools.

When plumbers and printers and mechanical tradesmen get from twenty-five to thirty dollars a week and teachers upon whom rests the responsibility for training future citizens of the community receive the miserable pittance of a negro [sic] day laborer, the movement still further to reduce the teachers' income is too great a step backward to be tolerated.

East Baton Rouge wants the best teachers possible to get. Baton Rouge wants young men and women of brain and sympathy and tact and intelligence to stimulate and inspire their pupils--not hack failures, who deaden and antagonize. And salaries reduced would mean that few save these last would remain in or come to the service of our board. For the school authorities, the city authorities and the parish authorities to confess themselves unable to solve the financial problem of maintaining teachers' salaries at least at the present level, would stamp them as unworthy of public trust and confidence.³²

While these statements refer to one local situation in East Baton Rouge Parish, they were only a part of a state-wide problem. Little improvement was gained in the years before World War I. One newspaper concluded that if the incumbent local school board was unable to find the funds to pay teachers for nine months, the people should elect one that could. It should be noted that the primary

³²Baton Rouge State Times, May 10, 1910.

responsibility for teachers' salaries was assumed to be a local, rather than state function.³³

While the state enjoyed an improved economy as a result of wartime conditions, better incomes for teachers were local problems. Any general improvement was lacking, as may be noted from the following editorial:

After all, we cannot have a good thing as public education for every boy and girl, so good a thing as insurance against ignorance in private life, and blundering blindness in public places without paying for it. If the sweet girl graduate and the serious boy graduate are to have their full opportunity and their greatest usefulness, they must have the guidance of strong, highminded, well-trained teachers. And we must provide such teachers by making their calling an attractive profession. To get them, we must compete with other employers of brains. In other words, the character of the graduate harvest depends upon the amount we are willing to pay the harvest hands--the teachers. Their pay has long been inadequate and recently become a joke. Let us see that the joke does not result in a tragedy. Let us pay a wage worthy of the laborer.³⁴

During the 1920's some efforts were made to improve the economic status of the teacher, but even these gains, irregular and limited as they were, disappeared in the

³³Baton Rouge New Advocate.

³⁴New Orleans Times Picayune, June 6, 1920.

resounding crash of the depression of 1929.³⁵ As the deflationary after-effects brought a rapid shrinkage in property values, the tax structure of the parishes and municipalities began to deteriorate. As tax assessments diminished with declining property valuation, tax receipts fell below expenditures. Sales of property for delinquent taxes worsened the condition of local finances.

Parish agencies could no longer meet either bonded indebtedness or current expenses. The local school boards faced mounting deficits.³⁶ School terms were shortened, and by 1932, teachers' wages dropped to even lower levels. The most severe blow of all came in May of 1932 with the payment of "scrip." The scrip represented promises to pay at some future date. These notes represented arrangements of a promissory nature between the school boards and the local banks. Many of these first forms of deferred payment were not payable in full until January 1, 1933. The notes paid a varying rate of interest from time of issue.³⁷

³⁵Minns S. Robertson, Public Education in Louisiana After 1898 (Baton Rouge: Louisiana State University, 1952), p. 157.

³⁶New Orleans Times Picayune, May 18, 1932.

³⁷Baton Rouge State Times, May 2, 1932.

What did the "scrip" mean to the individual so paid? Few teachers could afford to hold their notes until maturity. With the prevailing low rate of pay, the teacher had to find some way of obtaining his money almost immediately. A business of discounting school board scrip came into being. As more scrip was issued, the discount rate soared, further depressing the teachers' income. In some areas of the State where liquid assets or credit had almost vanished, it became impossible to negotiate the scrip. An impasse had been reached.

As may be noted from the development of the principles of equalization, in lieu taxes and property tax relief, the only way out was state action. With a greatly augmented program of state aid, stability was achieved in parish school finances after 1934. When the legislature convened in regular session in 1938, some slight amelioration of the teachers' plight had been achieved. A new wage proposal was approved by a Senate resolution to pay the teachers on a twelve-month basis.³⁸ A bill was introduced in the House to implement the resolution. Proponents of the measure claimed that severance tax collections had increased with

³⁸New Orleans Times Picayune, May 18, 1938.

the current spurt of mineral exploration in the state, thus indicating the availability of funds. This legislation would require the school boards to budget and pay teachers in twelve monthly installments, but it would not prescribe the rates of payment.³⁹ Although passed by the House, the bill did not become law.

The twelve-months salary proposal was a significant move. The first step in state regulation of teachers' wages was indicated, if nothing more than a cognizance of state responsibility, and the function of state revenues in public education. The reform oriented legislature of 1940 took the second logical step as a bill for a \$125 per month minimum was introduced by Representative William E. Dodd. The Dodd bill seemed to be in harmony with the platform of Governor Sam H. Jones. Governor Jones had pledged twelve-months salaries for teachers during his campaign.⁴⁰ Counter to both these ideas was a proposed amendment to limit the size of the public school fund.⁴¹

Confusion erupted as the large anti-administration

³⁹Baton Rouge State Times, June 23, 1938.

⁴⁰Ibid., May 27, 1940.

⁴¹Ibid., June 7, 1940.

forces in the legislature followed a policy of heckle and hinder. When the governor urged the legislature to find revenue to support twelve-months' pay for teachers bitter and sarcastic criticism was voiced by the opposition. Senator Frank Clements commented, "Don't you think if a candidate for high office makes a promise to give the old people \$30 pensions and to pay the school teachers for twelve months, he should know where to find the revenue?"⁴²

Governor Jones appealed for public support in a speech which the newspapers captioned: "Jones Seeking More Funds for the Public Schools." The Louisiana PTA issued a statement requesting the withdrawal of the proposed amendment to limit the state school fund. This position was supported by the New Orleans Classroom Teachers' Association and the Louisiana Teachers' Association.⁴³

In the interim, the minimum salary bill was reported to the house from committee. Legislative journals reported:

The house voted to set \$1,000 minimum wages for teachers, \$100 per month for ten months. Originally the bill provided for \$125 per month; this was amended in committee to provide \$100 per month for the first three years and \$125 per

⁴²Baton Rouge State Times, June 25, 1940.

⁴³Ibid., June 26, 1940.

month thereafter. Another provision removed the negro [sic] teachers from the provisions.⁴⁴

A sudden transfer of funds between accounts disarmed the opposition and gave the teachers' wage an unexpected boost. The press announced, "Teachers Get Extra Pay for Past Session." A surplus of \$2,065,000 in the property tax relief fund was transferred by the State Board of Liquidation to provide \$1,765,000 for the schools. This enabled the State to complete the distribution of \$16.00 per educable plus a third for equalization.⁴⁵ The availability of funds influenced the Senate Finance Committee's approval of the minimum wage bill.⁴⁶ These actions indicated that state aid and state regulation of salaries were intimately involved. The growth of this logical trend concurrently with the heavier proportionate share of educational costs borne by the State was a natural progression.

In 1944, the need for state funds to supplement the salaries of the teachers and other school board employeeed was urgent. The Governor, the State Treasurer and the

⁴⁴New Orleans Times Picayune, June 26, 1940.

⁴⁵Baton Rouge State Times, June 29, 1940.

⁴⁶Ibid., July 3, 1940.

State Superintendent of Education suggested a transfer of funds by the board of liquidation to the amount of \$2,100,000. A group named the New Orleans Board of Governmental Research blocked this move by obtaining an injunction. This organization intended to stop further expenditures of state funds for teachers' salaries. To overcome this resistance, an emergency appropriation bill was introduced in the regular session of the legislature to provide the needed funds.⁴⁷ The House Appropriations Committee moved swiftly to approve the \$2,100,000. Superintendent John E. Coxe said the bill would provide a pay increase of approximately 10 per cent for teachers and school employees. The raise would be limited to those earning under \$3,600 per year.⁴⁸

The events of 1944 seemed to show that the State was committed to a position of continuing support but not without objections from segments of the population. However, the principle of state aid to the teachers' salary cause did not become a widely debated issue. Little more than a passing notice appeared in the press.

As the Legislature convened in 1946, increased

⁴⁷Baton Rouge State Times, May 16, 1944.

⁴⁸Ibid., May 23, 1944.

salaries for teachers and changes in the distribution of the state school fund were pending. Since the funds distributed to the parish and city school boards went to pay about 70 per cent of the cost of teachers' wages, the latter proposal could vitally affect the level of salaries paid.⁴⁹ This controversy which developed into a feud between District Attorney Leander Perez and State Superintendent John E. Coxe was developed in Chapter I of this study.⁵⁰

The salary bills and the sales tax were coupled together. The proceeds of the new two-cent sales levy were to provide for approximately \$7,500,000 in new money for the schools. An alternate plan sought to raise the funds by an increased gas tax. With the demise of both of these new taxes some other means would have to be found.⁵¹

In the House Appropriations Committee, Superintendent Coxe testified in behalf of the added appropriations. He was cross-examined at length by the members of the Committee. It was suggested that the state educational program might

⁴⁹Baton Rouge State Times, May 22, 1946.

⁵⁰Ibid., May 24, 1946.

⁵¹Ibid., May 31, 1946.

be getting to far away from the fundamentals of reading, writing and arithmetic. Representatives of teachers' groups appeared to support Superintendent Coxe's contentions.⁵² After some delay, the committee gave a compromise teachers' salary increase bill a favorable report.⁵³

The controversy centered not around teachers' pay but the means to provide it. These issues have been treated under the topic of taxation. The final resolution of the issue of teachers' salaries did not come from the Legislature of 1946. The pay increases were voted, but through patchwork of appropriations from the State General Fund depending chiefly upon the one-cent sales tax and the one-half cent gas gathering tax.⁵⁴ Final settlement was left to subsequent legislatures.

With the inauguration of Earl K. Long as Governor, a vast program of state spending was outlined. One of the points of this program was teachers' salaries. The educational organizations of Louisiana were united in their determination to end "emergency appropriations" for

⁵²Baton Rouge State Times, June 4, 1946.

⁵³New Orleans Times Picayune, June 26, 1946.

⁵⁴Ibid., July 11, 1946.

teachers' pay. A new statewide minimum salary schedule was prepared. This scale provided for annual increments and erased all existing inequities based upon race, sex, or type of school. The school coalition called the United School Committee undertook the task of guiding the salary schedule and its attendant appropriations through legislative channels.⁵⁵

The United School Committee, assured of administration support, worked to arouse public and legislative support for its bills. Some sporadic editorial comment encouraged the new school legislation:

At this time efforts are rightly being made to pay adequate salaries and to provide better buildings and equipment. Some young people may be attracted to teaching by the practical and monetary values as in states in which good provision is being made for the payment and benefits of teachers.⁵⁶

The support of the newspapers was rather weak. Most of the journalistic effort was devoted to an intensive anti-tax campaign, which could have nullified a minimum salary scale by blocking the new taxes. But in 1948, the expression of public opinion at the ballot box had been final in

⁵⁵Baton Rouge State Times, May 22, 1948.

⁵⁶Ibid., May 18, 1948.

support of the Long program. The salary schedule, its supporting taxes and appropriations were approved by the legislature and signed into law by Governor Earl K. Long.⁵⁷

Whereas the final step was taken in 1948, struggles to maintain the teachers' economic status would lie ahead. The final resolution of the role of the state in teachers' salaries had been reached. The remaining questions would be: how much? and when?

The first answers to these queries became the primary concern of the incoming Kennon administration. Governor Robert F. Kennon had pledged the maintenance of the annual increments guaranteed by the salary scale. This was also expressed in his message to the legislature:

The proposed budget provides additional monies to cover the added costs due to the increased school population and to maintain the automatic salary increase. . . . I am informed that our teacher personnel is currently the second best paid in the South. It is hoped that increase will strengthen our system.⁵⁸

The executive budget provided for the costs outlined by Governor Kennon and added an additional three and one-half per cent cost-of-living over-all salary increase. The

⁵⁷New Orleans Times Picayune, June 5, 1948.

⁵⁸Baton Rouge State Times, May 20, 1952.

education groups asked for a 10 per cent adjustment. A legislative news article reported the situation:

Approval of a pay raise for school personnel was a surprise move on the part of Governor Kennon's legislative leaders. Kennon leaders had introduced a bill giving the teachers about three and one-half per cent raise which was protested hotly and bitterly as inadequate. The Jones-Wimberly bill was offered as a substitute which would give a 10 per cent raise to: all current school teachers, bus drivers, custodial workers, supervisors, visiting teachers, office personnel and administrative officials. The new bill means a total of \$28 million increase for the next biennium. Of the total, half will represent a cost of living salary increase and half will go to equalization funds to support minimum salaries for teachers. Administration leaders estimate that the state sales tax would run about \$7 million a year in excess of welfare needs. The Jones-Wimberly bill would turn this surplus over to the state board of education for the specific purpose of providing the pay raises. The cost of living adjustment would be authorized for only fiscal 52-54. A ceiling of \$480 would be put on the size of the raises.⁵⁹

The Shreveport Times advocated editorially a cost of living adjustment but for different reasons:

Where will we get the money? Get the money by taking the political racketeering, the waste, the socialism out of the state's school lunch program. At the state level, Louisiana now spends more than three and a half times as much in state-appropriated tax money on school lunches than all forty-seven of the other states combined appropriate from their state tax funds for such purposes.⁶⁰

⁵⁹Baton Rouge State Times, June 10, 1952.

⁶⁰Shreveport Times, May 25, 1952.

Opponents of the school lunch program attempted to link this auxiliary service with the teacher pay issue.⁶¹ Both the state administration and the opposing groups such as the Public Affairs Research Council were defeated by action of the unanimous vote of the House Appropriations Committee on the Wimberly-Jones measure to provide a 10 per cent cost of living increase. This bill was substituted for the administration bill. The surplus welfare revenues of approximately \$7,000,000 were to be diverted under the proposal.⁶²

The House approved both the 10 per cent increase and the use of the sales tax surplus. Representative Horace Lynn Jones of Calcasieu Parish spoke for the bills. He listed four points: (a) the bill would in no way hurt or impede; (b) it would use about \$7,000,000 a year in surplus revenues; (c) the bill authorizes the increase only for the next biennium; (d) all public school personnel will come under the pay raise program.⁶³

The cost of living adjustment was finally passed

⁶¹Shreveport Times, May 25, 1952.

⁶²Ibid., June 10, 1952.

⁶³Baton Rouge State Times, June 26, 1952.

despite veto threats from the Governor's office.⁶⁴ The public media of the State had supported the conservative attitudes and policies of the Kennon administration. When Governor Robert F. Kennon issued a statement praising the actions of the Legislature, the newspapers gave the release wide publication:

'It might be noted,' Kennon said with considerable emphasis, 'that with the increased amount for education removed, the bill carried less appropriation than was provided in the previous fiscal year.' Total education increases in Louisiana in the next biennium will range from \$21 million to \$25 million. 'More increases can be expected in education appropriations in the future,' Kennon continued, 'since Louisiana's increasing population and industrial development will add 25,000 or more children each year to our educational system. No thinking citizen would have you fail to give adequate and appropriate support to those responsible for the education of your children and mine.'⁶⁵

During the interim two years, the education forces worked to prepare for a revision in the state minimum salary schedule, not just a cost of living adjustment. The revised scale would require \$16,000,000 in addition to the 10 per cent voted in 1952. The sales tax surplus funds, expanded revenues from off-shore oil lands and possibly revenues

⁶⁴Baton Rouge State Times, July 3, 1952.

⁶⁵Ibid., July 10, 1952.

from the Rockefeller Wild Life Preserve were considered as sources. Bearing the signatures of several legislators the teacher pay boost bill was introduced early in the session.⁶⁶

Governor R. F. Kennon's address to the joint session of the legislature took cognizance of the proposed school legislation:

Education of our boys and girls is the responsibility of every citizen. The legislature of 1952 made substantial increases in education funds for school operation as well as some construction. The extra money you appropriated helped raise salaries for our teachers to the highest level in the South last year.

As we look to the future, we must realize that the growing school-age population will require more money for education. This we must provide. If we stunt public education, we stifle progress.

We must continue this essential service for several good reasons. An enlightened citizenship is essential to preserve our democratic form of government. And Louisiana's tax-paying citizens feel that children are our most precious possession and their well-being and orderly mental and physical development is the object of every household and community as well as the state. Consequently, we must continue and increase as much as possible under the circumstances our appropriations for Louisiana's public schools on all levels.⁶⁷

The orderly progress of the new minimum salary bill was supported by extensive and intensive work by the United

⁶⁶Shreveport Times, May 11, 1954.

⁶⁷Baton Rouge State Times, May 12, 1954.

School Committee. So effective was this preparation that only one witness was heard for the bill.

The house education committee today approved unanimously a bill to grant Louisiana public school teachers and public school employees pay raises totaling 16 million dollars yearly. F. F. Wimberly, president of the LEA was the only person heard for the bill. There was no opposition. A companion bill devoting one-half cent of the sales tax of two cents to finance the raise was also introduced.⁶⁸

Thus the approval of a new wage scale beginning at \$2,800 per year for the Bachelor's degree was begun. Swiftly passed by the House (two weeks after introduction) the measures were sent to the Senate.⁶⁹ Some resentment was aroused in that body when the bills were transferred from the Senate Finance Committee to the Education Committee.⁷⁰ The press noted that the Education Committee acted "with a speed that annoyed several members and whipped out onto the floor with the \$16,000,000 teacher pay raise and the sales tax diversion to finance it."⁷¹ On the 31st of May, 1954, twenty days after initiation, the teacher pay

⁶⁸Baton Rouge State Times, May 19, 1954.

⁶⁹Shreveport Times, May 25, 1954.

⁷⁰Ibid., May 27, 1954.

⁷¹Baton Rouge State Times, May 27, 1954.

bills passed the Senate without opposition.⁷²

Thus in 1954, a revised salary scale was enacted with comparative ease--perhaps too easy. It must be noted that the minimum wage scales per se never drew much public comment or resistance. In 1956, another upward revision of the scale was prepared. This time, the teacher groups were forced to look to new levies for financing. Without clear-cut administration support from Governor Earl K. Long and with the operation of a new legislative rule of procedure requiring a two-thirds majority for the passage of new taxes, the outlook was dim.⁷³

The first hints of resistance to the new schedule and to the taxes for its support began to appear in the newspapers:

The Louisiana legislature, always searching for a painless way to impose new taxes, is faced with a proposed one-third increase in spending for education which now accounts for forty per cent of the state expenditures. Despite cuts by budget officers, costs for all education this year seems certain to top the \$200,000,000 mark. In addition to a \$33,000,000 pay raise, the education board has stamped final approval on a request for \$55.00 per educable, a \$6.00 increase over last year. State Budget officers

⁷²Baton Rouge State Times, May 31, 1954.

⁷³Ibid., June 1, 1955.

have indicated that the teacher pay raise be handled in a separate measure providing its own revenue.⁷⁴

In addition to this type of writing, wide publication was given to the statement issued by the Public Affairs Research Council, known more familiarly as "PAR." This agency, supported by a diverse membership of individuals and corporate interests, was characterized as a "non-factional research agency" by the press. A bulletin issued by PAR claimed that the new pay rate would grant teachers holding Master's degree increases to \$2,000 per year. Teachers with only the Bachelor's degree would receive a minimum of \$600 increase. PAR reported data purported to show that Louisiana teachers were paid the highest salaries in the South, and slightly above the national average. According to this same source salaries in Louisiana had increased 39.5 per cent since 1948, while the cost of living had gone up only 11.7 per cent for the period.⁷⁵

Articles resembling this excerpt followed the PAR bulletin on teachers' salaries:

The Louisiana Legislature will soon be reaching

⁷⁴Baton Rouge State Times, May 20, 1956.

⁷⁵Ibid., May 26, 1956.

some decisions on the question of whether to enact all or several of the numerous tax proposals which have been presented. There are several factors which need consideration in reaching any decision.

The paramount question is whether there is need for new tax money to carry on the essential functions of our state government. . . . Next to the question of needs is the ability to pay. On this point, PAR reminds us that our local and state tax burden is second highest in the nation in relation to our per capita income. Obviously, we are making a real effort to support our various governmental functions as measured by our ability.

There is another aspect to this question of whether we can afford more money for state government. . . . If we don't help out business development, we'll neither need nor be able to support any expansion of government services. . . .

If there is real need for more money for essential services, then revenue should be devised in a fashion best calculated to spread the burden and maintain a situation encouraging to industrial development. There is no need to hurry new taxes in view of the funds on hand to meet spending as proposed in the executive budget.⁷⁶

The content and technique of this article are worthy of analysis. The tenor of the whole emphasizes two themes: no new taxes, no new spending; tax revision will injure industrial development. This line seems strange when the contemporaneous half-billion industrial development of the State is taken into consideration. Instead of stressing the combination of natural factors which make industrialization possible and profitable, the press seemed to create

⁷⁶Baton Rouge State Times, June 5, 1956.

the picture of sudden ruin through governmental action.

While the pre-occupation with taxation was an indirect blow at the new teachers' salary proposals which could be made operative so as to nullify any revised pay scale, a more insidious idea was introduced. The teacher aid scheme, then under experimental study at Bay City, Michigan, was acclaimed by the press as a nostrum for all school problems.⁷⁷ Educators were astonished to see this plan touted as a new and marvelous development. To students of educational history, the Bay City experiment represented an attempted revival of the Lancastrian monitorial system of the early nineteenth century. It seemed that the newspapers were not only opposing the teacher salary increases, but also attempting to cloud the whole issue.

As this journalistic bombast was being expended to gain the point of no increases in spending, no increases in taxation; the salary schedule bill moved through the Legislature with heavy majorities.⁷⁸ On June 14, 1956, it was signed into law as Act 3, 1956, by Governor Earl K.

⁷⁷Baton Rouge State Times, June 11, 1956.

⁷⁸Shreveport Times, June 5, 1956.

Long.⁷⁹ After the enactment of the salary scale, the problem of revenue support remained. This instance points up further the general lack of opposition to the minimum salary principle as a facet of state regulation of public education.

The struggle to obtain appropriations to implement the schedule became a bitter see-saw between a hard core of anti-tax legislators called the "Thirty-four Club" and the state administration. This opposition took the view that sufficient funds existed for the pay raise.⁸⁰ The education groups and Governor Long denied the existence of such funds and worked for the enactment of a higher gas gathering tax.⁸¹

The role played by the teachers' organizations in this controversy brought bitter editorial commentary. As the new levies were consistently beaten down on the floor of the house, prospects for money to give the teachers' pay raises became dim. The newspapers criticized the teachers'

⁷⁹Baton Rouge State Times, June 14, 1956.

⁸⁰Ibid., June 18, 1956.

⁸¹Shreveport Times, June 18, 1956.

leadership, declaring them to be "duped"⁸² by promises of pay raises that were "sheer hypocrisy."⁸³ The general tone of the Louisiana press reaction resembled this statement from the Shreveport Times:

In the failure of the Long administration thus far to provide money for teacher salary increases, pledged by Governor Long and approved almost unanimously by the Legislature, the public school teachers of Louisiana have been the victims of both double-dealing politicians and their own leadership in their own professional organization--the Louisiana Teachers' Association.⁸⁴

Apprehension mounted among education leaders and their legislative allies, at the prospect of a higher salary scale without sufficient funds to make it operational. The regular session of 1956 closed with talk of a special session to be called later. It was rumored that a proposed constitutional amendment would be introduced to dedicate all state surplus funds from mineral exploration to the special teachers' salary fund.⁸⁵

Thus with the close of 1956, one basic issue in state

⁸²Shreveport Times, June 21, 1956.

⁸³Ibid., June 26, 1956.

⁸⁴Ibid., July 10, 1956.

⁸⁵Shreveport Times, June 30, 1956.

regulation of teachers' salaries had been resolved. The principle of a statewide minimum pay scale had been established. The source of the revenues to be used for the support of such schedules was still unsettled. Only one point was certain--its settlement would enlarge the state's role in the control of public education.

III. TEACHER RETIREMENT

Closely related to the economic status of the teacher is the provision for his future security through some type of retirement compensation. The necessity of providing for the declining years of teachers who had spent long years of faithful service in the classroom was recognized as early as 1908 in Louisiana. In that year a bill to establish benefits for the superannuated teachers of Orleans Parish was enacted. This early measure failed to become law when Governor Jared Y. Sanders refused to sign it, owing to technical errors in printing.⁸⁶

In 1910, a bill was enacted to pension Orleans teachers at one-half of the salary received during the five-year period prior to the time of retirement. The minimum

⁸⁶Baton Rouge State Times, May 17, 1910.

pension under this plan would be \$300, the maximum \$600. This plan applied only to Orleans Parish teachers. No action was taken to provide a statewide annuity system.⁸⁷

In 1936, a proposal for a state teachers' retirement system was one part of several proposed laws which included a teacher tenure bill. These measures were introduced with the support of Governor Richard W. Leche. Prior to these proposals nothing had been accomplished in the area of teacher retirement since the Orleans pension plan's enactment. Thus the bill introduced in 1936 represented another extension of the role of the state in the supervision and regulation of public education.

Introduced by Representative Lether E. Frazar of Beauregard Parish, the teachers' retirement proposal was characterized as "definitely a Leche bill and had been written by State Superintendent Thomas H. Harris." The Frazar bill would carry into effect a constitutional provision for a pension fund for aged and incapacitated public school teachers. In addition, the measure defined the term teacher as:

. . . any teacher, librarian, secretary, clerk,

⁸⁷Baton Rouge State Times, May 17, 1910.

principal, supervisor, superintendent, member of the state department of education, president, dean and teacher in any educational institution, the staff and secretary of the Louisiana Teachers' Association, and the secretary and staff of the Louisiana High School Athletic Association.

Retirement would be permitted at age 60 and compelled at 70. A board of trustees would administer the fund and determine the amounts of contributions to be paid by the teacher members.⁸⁸ After placing some limitations on the scope of the term teacher, the retirement legislation was passed by both houses.⁸⁹

The teacher retirement system further extended the role of the state in public education. Approved with the support of the state administration and through the vigorous effort of teachers' organizations, very little comment appeared in the press aside from routine news reporting. Since this pension law was enacted at the time that the national Congress had the social security bills under consideration, it might seem that the Louisiana legislature simply acted in concert with the times.

In 1940, an attempt was made to amend the teacher retirement act and place the handling and distribution of

⁸⁸Baton Rouge State Times, May 21, 1936.

⁸⁹Ibid., June 26, 1936.

the retirement fund in the hands of state officers instead of the board of trustees appointed by the teachers. The teachers' organizations held mass rallies to resist this proposal. This mass protest was presented to the legislature by a committee headed by Victor L. Roy, former president of the Louisiana State Normal College. The sponsors of the amendments acceded to these demands and the bill was eliminated.⁹⁰

After 1940, the pension system was amended to make provisions for special cases and validate the prior service of many teachers. As the salary scale for the public school teachers and administrators was gradually increased through additional state funds, state appropriations also were required to sustain the parish school boards' share of the retirement contributions. As successive salary raises were made in the Jones,⁹¹ Davis,⁹² Long⁹³ and Kennon⁹⁴

⁹⁰Baton Rouge State Times, June 11, 1940.

⁹¹Ibid., June 12, 1942.

⁹²Ibid., July 6, 1944.

⁹³Ibid., June 18, 1948.

⁹⁴Shreveport Times, June 1, 1954.

administrations the parishes received appropriations for the employer's share of the retirement costs. It was this facet of the support of the state teachers' retirement system and the Orleans Parish system that brought open criticism in 1954.

The Public Affairs Research Council published a study of these funds. This research purported to show that the state appropriations were excessive and should be reduced. PAR declared that these retirement programs needed evaluation with an eye to reducing the state's share of the burden. This organization sought to show that the expenditures in this specific area were too large and should be decreased or stopped. Once this position was established, PAR claimed that reductions in the tax load could be made.⁹⁵

The PAR report caused some consternation among educators and received acclaim and wide publicity in the newspapers. As an actuarial system the state teachers' pension plan was based on sound principles. Talk of changing the retirement law came to naught.

⁹⁵Baton Rouge State Times, June 26, 1954.

IV. THE STATE BUDGET COMMITTEE AND TEACHER TENURE

The call for the third extraordinary session of the legislature for the third week of December, 1934 was greeted in the press by personal references to Senator Huey P. Long. Governor Oscar K. Allen listed twenty-two objects in the call for a twelve-day session which was expected to last five. Item Number Six in the call stated simply, "Relative to public schools and school boards."⁹⁶ The Shreveport Journal related this account of the issuance of the call:

The dictator walked into the office of Governor Allen, his chief cabinet member, and told the governor: 'Governor I don't see how we can get around having a special session. We've got to have one.'⁹⁷

As has been predicted, Senator Long had prepared a series of "pet" bills. These bills were rapidly introduced and sent to the various committees for action. The New Orleans Times Picayune noted,

Death blows to local self-government were struck by Senator Huey P. Long when he started through the mill thirty-five bills drafted under his supervision for enactment into law by

⁹⁶New Orleans Times Picayune, December 16, 1934.

⁹⁷Shreveport Journal, December 15, 1934.

Louisiana's legislature which convened in extra session at eight o'clock tonight.⁹⁸

On the following day the House Ways and Means Committee began hearings. Appearing before the committee, Long explained each of his measures in a very casual and cursory manner. House Bill No. 9, to create a state budget committee was described:

This bill has to do with providing budget supervision for the school boards, I didn't agree with Burgess when he proposed it last summer, but I do now. This simply makes it so any school child can go to the school he desires regardless of parish lines. It makes it so the school boards can't be bickering back and forth to prevent children crossing parish lines. This bill provides for stopping this by the creating of a state budget committee to regulate these questions when they come up. This committee will be composed of the state superintendent of education, the state treasurer and the governor.⁹⁹

In a short hour and fifty minutes session, all of the bills proposed by Long were reported "favorably" to the House. This action was characterized as "a mass of legislation giving Long added dictatorship powers, increasing his patronage, and still further placing the powers of local government in the hands of the state administration."¹⁰⁰

⁹⁸New Orleans Times Picayune, December 17, 1934.

⁹⁹Ibid., December 18, 1934.

¹⁰⁰Shreveport Journal, December 17, 1934.

The key proviso of House Bill No. 9 read:

Provided: that parish school boards shall submit to the state budget committee, composed of the governor, the state superintendent of public education, and the state treasurer, copies of their budgets not later than August 1st of each year for review, examination, and approval. . . .¹⁰¹

Another provision buried in the text of a long paragraph stated that the parish school boards should determine the number of schools, the number of teachers to be employed, select such teachers from nominations made by the parish superintendent and "approved by the state budget committee composed of the governor, the state superintendent of public education and the state treasurer."¹⁰² This last clause carried state regulation and supervision of public education to its final conclusion. Through the budget committee the state government could control and dominate every facet of public education in Louisiana even to the approval of teacher procurement.

The Long majority in the House of Representatives passed all of the bills including House Bill No. 9. Representative George W. Lester of West Feliciana Parish took the floor to castigate both the house and Senator Long:

¹⁰¹Shreveport Journal, December 17, 1934.

¹⁰²New Orleans Times Picayune, December 19, 1934.

Those bulwarks of our democratic government, the courts, the law enforcement offices, and now the schools are to be surrendered to a viciously autocratic and tyrannical administration for the selfish gain and political preferment of the faithful. And in all of this, the house is forced to accept the inevitable with stoical disregard to all the proprieties and the letter and spirit of the law, thus placing us in the position of putty-faced stooges, who must take every slap in the face offered by the star performer who has put on the act for the edification of the amused audience who sees nothing but farcial comedy in the play, and fails to realize that back of the grinning mask of the clown lurks a sinister tragedy of disaster to both the actors in the drama and the audience which is laughing without realizing the horrible denouement to the drama.¹⁰³

The full implications of the state budget committee bills were developed in the press, stirred from its apathy by the bitter words of Representative Lester:

Mr. Lester's bitter attack was provoked by a provision in an apparently harmless measure which would have placed hiring and firing of school teachers at the whim of a king-fish controlled state budget committee composed of the governor, the state superintendent of education and the state treasurer. The clause went unnoticed until Monday in the mass of legislation which Long dumped into a special session of the legislature Sunday and rushed pell-mell toward final passage Thursday morning.¹⁰⁴

The New Orleans Times Picayune praised Lester's

¹⁰³Shreveport Journal, December 18, 1934.

¹⁰⁴Baton Rouge State Times, December 18, 1934.

speech as "Truly Timely Spoken."¹⁰⁵ As the Senate voted to suspend the rules and move the budget committee measure to the Finance Committee, it seemed that Senator Long would withdraw the bill from consideration. In fact, public statements were issued to that effect by Representative N. Smith Hoffpauir of Acadia Parish. This reported retreat by Senator Long was headlined in the Shreveport Journal, "Long Abandons Teacher Bill."¹⁰⁶ Senator Long's actions were reported in the next issue:

Long then personally had struck from a school bill the clause which would have given him control of the state's 15,000 school teachers through the state budget committee composed of the governor, the superintendent of education and the state treasurer.

'There's been considerable publicity given that we're going to take a hammerlock grip on the state teachers,' he said, 'so we'll strike that out of the bill. But that wasn't anything new. The state superintendent of education and the state board of education already had that power.'¹⁰⁷

What did Long's amendments to the bill consist of? The Senate Education Committee added the words, "as may be" giving the measure a permissive flavor. This form of the

¹⁰⁵New Orleans Times Picayune, December 20, 1934.

¹⁰⁶Shreveport Journal, December 18, 1934.

¹⁰⁷Ibid., December 19, 1934.

proposal was passed by the Senate and sent back to the House for concurrence.¹⁰⁸ Representative George K. Perrault accused Long of lies and evasions and insisted that the bill had been inadequately amended. Perrault stated that the bill "made every teacher a subject of political patronage like every other state job holder." These objections were over-ridden and the state budget committee bill sent to Governor Allen's desk.¹⁰⁹

A similar session held in 1935 (Third Extraordinary Session, 1935) reinforced the powers of the state budget committee over teacher appointments. The new act required school boards to submit detailed lists of teachers and their salaries to the State Budget Committee. The Committee was given the authority to amend or revise the list in whole or in part.¹¹⁰

The effects of this move were seen in the summer of 1935. The Jefferson Parish school board on July 18, 1935, announced the dismissal of fifteen teachers, some of whom had served the parish school system for as long as fifteen

¹⁰⁸New Orleans Times Picayune, December 19, 1934.

¹⁰⁹Shreveport Journal, December 20, 1934.

¹¹⁰Acts of Louisiana, 1935, Third Extraordinary Session, Act No. 10.

years. On August 17, 1935, the principal of the Opelousas High School, Paul D. Pavy, and thirteen teachers were dropped from the rolls by the St. Landry Parish School Board's adoption of new lists from the budget committee.¹¹¹

Charges that the schools had become thoroughly "politicalized" were borne out by a letter written by State Superintendent Harris to the president of the State Board of Education, on August 6, 1935:

It is true that the school system has been thoroughly politicalized. The Governor, through the State Budget Committee, can act favorably upon the demand of any local politician to dismiss any janitor, transfer driver, teacher, principal or parish superintendent and to fill the vacancy. To what extent this power will be exercised I do not know.¹¹²

Perhaps Harris knew when the cases cited above were made public. With the assassination of Huey P. Long and the election of Richard W. Leche as governor to succeed O. K. Allen, changes seemed to be in the making. The newspapers revealed the tactics of the State Budget Committee.¹¹³ The teachers organizations were working on a

¹¹¹Guy C. Mitchell, "Growth of State Control of Public Education in Louisiana" (unpublished Doctor's dissertation, University of Michigan, Ann Arbor, 1942), p. 396.

¹¹²Ibid., p. 400.

¹¹³New Orleans Times Picayune, August 10, 1935.

teacher tenure proposal to provide employment security for teachers.

Governor Leche included in his legislative program the restoration of parish control over the hiring of teachers. He also recommended a law to protect teachers from unwarranted dismissal by providing a list of specific charges which should be determined prior to dismissal.¹¹⁴ Governor Leche re-emphasized his stand when life tenure for policemen and firemen was authorized:

It means that policemen and firemen are given life tenure just like the school teachers of the state will be given life tenure by an act which will be passed by the legislature.¹¹⁵

At the request of Governor Leche, Superintendent Harris prepared three measures to carry out the governor's campaign pledges. These bills were: abolish the State Budget Committee, create a teacher tenure statute and establish a state teachers' retirement system.¹¹⁶ The first genuine effort to neutralize the budget committee came with the introduction of a bill to restore the Orleans teacher tenure act which had been repealed in 1935. Senator Nicholas

¹¹⁴New Orleans Times Picayune, May 12, 1936.

¹¹⁵Ibid., May 13, 1936.

¹¹⁶Ibid., May 15, 1936.

G. Carbajal introduced the measure at the request of the New Orleans Louisiana Teachers' Association unit. The Carbajal bill returned to the Orleans Parish School Board the right to try teachers and dismiss them if found guilty of certain charges.¹¹⁷

As the teacher tenure and home rule bills came before the House Education Committee, the New Orleans Times Picayune predicted "bitter battles." Representative James W. Etheridge claimed that the whole move was an attempt to void laws written by Long. The teacher representatives were led by Mrs. Emery Lively of the New Orleans LTA. The chairman of the committee was Lether E. Frazar, a former teacher.¹¹⁸ Thus it would seem that the emotional appeal of Etheridge was nicely balanced by other factors operative on the decision of the committee. In addition, it was known that Representative Etheridge had demanded changes in the teaching personnel of Grant Parish. Letters had been written by the legislator to the State Budget Committee demanding specified changes in teachers and janitors.¹¹⁹

¹¹⁷New Orleans Times Picayune, June 9, 1936.

¹¹⁸Ibid., June 17, 1936.

¹¹⁹Mitchell, op. cit., p. 399.

The House Education Committee gave the bills for teacher tenure and parish control of schools "full approval." Chairman Lether Frazar said, "The teachers wanted a real tenure bill and they got it."¹²⁰ Governor Leche immediately called for speedy enactment of the bills fulfilling his pledges to the teachers. Leche approved the tenure bills, saying "that is a real tenure law." The governor declared that he would sign the school bills into law as soon as they reached his desk.¹²¹

With the steady support of the administration and active school groups, the tenure laws, the parish control act and budget committee revision were passed by the legislature and signed into law by the governor on July 2, 1936.¹²² The newspapers seemed to be apathetic toward the tenure controversy aside from straight news reporting. Since the platform of Governor Richard W. Leche had received an overwhelming mandate at the polls, perhaps the press felt that further efforts to shape public expression was futile or unnecessary.

¹²⁰New Orleans Times Picayune, June 19, 1936.

¹²¹Ibid., June 22, 1936.

¹²²Baton Rouge State Times, July 2, 1936.

The principle of state regulation had been carried to its zenith with the State Budget Committee. The legislation to amend the powers of the committee and establish statewide teacher tenure represented state supervision of teacher employment without direct state intervention and control. This aspect of the role of the state may be seen from the attempts to change the law from time to time.

The first case in point came in the regular session of 1938. Senator R. W. Rhodes introduced a bill to suspend the operation of the tenure act for three years. All of the teachers of the state would be put on probation for a period of three years, beginning with the 1938-39 school term.¹²³ Governor Richard W. Leche promptly announced that any bill passed to change the teacher tenure statute would be vetoed. "The teacher tenure law is a Leche law," the governor said, "and we'll keep it. It's the best in the country and they haven't a chance of changing it."¹²⁴ With this strong declaration, the Rhodes bill was killed by the administration majority in the Legislature.¹²⁵

The teacher tenure provision was undisturbed during

¹²³Baton Rouge State Times, May 19, 1938.

¹²⁴Ibid. ¹²⁵Ibid., June 9, 1938.

the reforms of the 1940's. A similar act was passed for the school bus drivers of the state.¹²⁶ Then in 1950, a bill appeared to abolish all of the sections of the revised statutes of Louisiana relating to teacher tenure.¹²⁷ This drastic piece of legislation was attacked by the Louisiana Teachers' Association and other school groups. This bill failed of passage.¹²⁸

The tenure law came into the bright light of public notice in May, 1954, through the Olivier case in St. Landry Parish.¹²⁹ Charged with willful neglect of duty, Olivier was dismissed by the St. Landry Parish school board after much deliberation. The decision of the board was subsequently affirmed by the courts.¹³⁰

Two years later another tenure case gained widespread attention. This case illustrated an attempt by the Livingston Parish school board to dismiss a principal, Grady Hornsby. Hornsby had used corporal punishment to enforce

¹²⁶Acts of Louisiana, 1944, Act No. 185.

¹²⁷Shreveport Times, May 23, 1950.

¹²⁸Baton Rouge State Times, June 14, 1950.

¹²⁹Ibid., May 10, 1954.

¹³⁰Ibid., June 26, 1954.

discipline in his school. Since the charge did not constitute a lawful cause for dismissal under the provisions of the teacher tenure act, the defendant could not properly be tried by the school board. A brief hearing, open to the public resulted. Subsequently, the whole case was dropped without any prejudice to Hornsby's tenure rights.¹³¹

These two cases illustrate two ways in which the tenure statute has been used. The Olivier case constituted a proper implementation of the law. The careful preparation and deliberation of the St. Landry board was approved by the courts. Yet the press chose to accept the irresponsible statements of the defendant Robert Olivier and attack the law. In the Hornsby case, the careless handling of the procedure was portrayed as a mockery of legal process. The intent of the tenure provisions was not accurately drawn for presentation to the public in either case. If these reports created any public feelings toward teacher tenure, those feelings could hardly be favorable.

As part of the reaction to the United States Supreme Court desegregation decision in the case of *Topeka v. Brown*, the tenure law was amended in 1956. The new clauses read:

¹³¹Baton Rouge State Times, June 14, 1956.

. . . of being a member of or contributing to any group, organization movement or corporation that is by law or injunction prohibited from operating in the state of Louisiana, or of advocating or in any manner performing any act toward bringing about the integration of the races within the public school system or public institution of higher learning in the state of Louisiana. . . .¹³²

These changes were vigorously protested by the Negro teachers' organization, the Louisiana Education Association. The LEA spokesmen declared that the amendment would set a dangerous precedent and "convict the entire mass of 23,000 white and Negro teachers in the state unfairly and without a hearing."¹³³ Since the Negro group was unable to secure any support from their white counterparts, their opposition was of no avail. Until these provisions are tried in the courts, it will be difficult to determine their reliability. However, it must be noted that the newspapers of the state gave the Negro protest adequate coverage.

V. THE DEVELOPMENT OF AGENCIES OF STATE CONTROL

The State Superintendent of Education

The Constitutional Convention of 1898 described the office in these terms:

¹³²Baton Rouge State Times, June 21, 1956.

¹³³Ibid.

There shall be elected by the qualified electors of the state, a superintendent of education who shall hold his office for the term of four years and until his successor is qualified. His duties shall be prescribed by law and he shall receive an annual salary of \$2,000. The aggregate expense of his office shall not exceed the sum of \$4,000. . . .¹³⁴

The honorable members of the convention obviously did not anticipate a very large role for the state superintendent of education. The office had been created in 1845 and held by a wide variety of incumbents prior to 1898.¹³⁵ The growth and character of the superintendency had been stunted and interrupted by Civil War, Reconstruction and Redemption. The reactionary effects of Redemption were still to be seen in the Constitution of 1898. In many ways this Louisiana state constitution was justifiably termed a "patched version of the Constitution of 1879 with suffrage articles."¹³⁶ Thus it seems that the expression of the people speaking through the Convention of 1898 did little to enhance the position or the role of the chief state school officer of Louisiana.

¹³⁴New Orleans Daily Picayune, May 8, 1898.

¹³⁵Minns S. Robertson, Public Education in Louisiana after 1898 (Baton Rouge: Louisiana State University, 1952), p. 227.

¹³⁶Baton Rouge State Times, November 1, 1920.

The framers of the organic law reckoned without the caliber of two incumbents destined to shape the office by the force of their strong personalities. The first of these was Superintendent James B. Aswell, elected in 1904.¹³⁷ The second was Aswell's successor Thomas H. Harris, who took office in 1908.¹³⁸ The actions of these gentlemen were well publicized by the press. Items appeared almost daily reporting their professional travel, their speeches, their letters and their reports. These articles appearing from 1904 to 1920 were in such numbers and frequency that individual citation is almost impossible. Both Superintendent Aswell and Superintendent Harris undertook to personally influence popular opinion on behalf of the public schools. This may be seen from the amount of publicity on every phase of the educational program. The Louisiana newspapers, the only public media enjoying wide circulation surely aided in the shaping of attitudes and concepts related to public education in the minds of an entire generation of Louisianians.

An illustration of these assertions may be noted from

¹³⁷Robertson, op. cit., p. 33.

¹³⁸Ibid., p. 45.

a public controversy concerning the nature of the office of state superintendent of education. T. H. Harris, as the incumbent in 1912, became involved in the political activity of the state campaign of 1911-12. Local committees in several communities drew up protests, castigating Harris. In Lafayette, Louisiana, a public meeting was held to draw up a set of resolutions demanding Harris' removal from office. A formidable roster of prominent citizens spoke for these resolutions, including John L. Kennedy, L. Leo Judice, Julian Mouton, Philip Pugh, and Jerome Mouton. Each of these speakers demanded Harris' resignation from the office of state superintendent of education.¹³⁹

At Bunkie, Louisiana, a citizens' petition was circulated asking that Harris give up his position.¹⁴⁰ These protest groups carried their case before the Democratic State Central Committee when it convened in Baton Rouge on March 11, 1912. A resolution seeking Harris' withdrawal was defeated.¹⁴¹

This controversy passed into oblivion in time, but

¹³⁹Baton Rouge New Advocate, February 23, 1912.

¹⁴⁰Ibid., February 29, 1912.

¹⁴¹Ibid., March 12, 1912.

through it an important principle had been recognized and resolved. The office was political in nature, and the incumbent might engage legitimately in political activity. This was recognized by the Constitutional Convention of 1921 which provided for the election of the State Superintendent of Education by the State Board of Education. The intention of the convention was ostensibly to remove the office from electoral politics.¹⁴²

The view of the Convention of 1921 was rejected by an amendment proposed by the legislature in 1922 and approved by the voters later in the same year. The 1922 amendment read:

Section 5. There shall be elected by the people at each succeeding general election a State Superintendent of Public Education, who shall be ex-officio Secretary of the Board, and whose salary shall be fixed by the State Board of Education at not less than Five Thousand Dollars (\$5,000) nor more than Seven Thousand Five Hundred Dollars (\$7,500) payable monthly on his own warrant.¹⁴³

The duties and responsibilities of the state superintendent of education were elaborated in the general school act passed in 1922 (Acts 1922, 100). This broad omnibus

¹⁴²New Orleans Times Picayune, May 29, 1944.

¹⁴³Acts of Louisiana, 1922, Act No. 100.

bill incorporated into law the relationships of the State Superintendent of Education, the State Board of Education and the State Department of Education. These relationships were strongly influenced by T. H. Harris who helped frame the legislation.¹⁴⁴ Few expressions of popular opinion, if any, preceded or followed the passage of Act 100.

Such was the prestige and stature of Thomas H. Harris that the office of chief state school officer was unchallenged until 1940. John E. Coxe was elected state superintendent in 1940, ending Harris' thirty-two year tenure of office. The reform impetus of 1940 swept Coxe into the position.¹⁴⁵

The period of grace for Superintendent Coxe ended in the regular session of 1942. A proposed constitutional amendment making the chief state school officer appointive was introduced. The office would be filled by the State Board of Education and would be known as the state commissioner of education. The commissioner would serve at the pleasure of the board for an indefinite term and at a salary fixed by the board. Thus the state superintendency would be

¹⁴⁴Baton Rouge State Times, July 5, 1922.

¹⁴⁵Robertson, op. cit., p. 222.

removed from the control of the electorate.¹⁴⁶

This radical change from two decades of practice was defeated but not destroyed. The idea lay dormant until the 1944 session of the legislature. The newspapers were responsible for its resurrection in 1944. The Shreveport publications were especially active in promoting legislation for the change to the appointive system.¹⁴⁷ The New Orleans Times Picayune approached the question cautiously, as if in support of appointment but:

The 1921 constitutional convention set up the appointive elective board and a board appointive superintendent. The next year the Legislature proposed and the people voted an amendment to return the superintendency to an elective status. It was successfully contended that the convention plan had gone too far in separating state school management and the public. The Legislature will need to decide now whether a reduction in the Governor's board appointments sufficiently remedies this defect and meets the issue raised at that time.¹⁴⁸

The Louisiana State Board of Education requested the Legislature to enact the appointive superintendency bill.¹⁴⁹

¹⁴⁶Baton Rouge State Times, June 9, 1942.

¹⁴⁷Ibid., June 13, 1944.

¹⁴⁸New Orleans Times Picayune, May 29, 1944.

¹⁴⁹Ibid., May 7, 1944.

The Davis administration favored such legislation.¹⁵⁰ The measure originated in the Senate. In the hearings held by the Senate Education Committee, state board members and former state board officers testified for the bill. Dean Emeritus Clarence A. Ives of Louisiana State University and Mrs. Paul A. Blanchard of the Louisiana Parent Teacher Association opposed the appointive superintendency.¹⁵¹ In spite of the protests of the opposition the measure was approved by the Senate and sent to the House.¹⁵² The House disposed of the bill by postponing it indefinitely.¹⁵³

In the elections of 1948, Shelby M. Jackson was elected state superintendent of education replacing John E. Cox. The votes of the general election had hardly been counted when the arguments for an appointive chief state school officer began to appear in the press. The demise of a similar bill for the third time in 1946, did not seem to deter its advocates.¹⁵⁴ A massive barrage of editorials,

¹⁵⁰New Orleans Times Picayune, May 5, 1944.

¹⁵¹Ibid., May 31, 1944.

¹⁵²Baton Rouge State Times, June 6, 1944.

¹⁵³New Orleans Times Picayune, June 13, 1944.

¹⁵⁴Baton Rouge State Times, May 31, 1946.

surveys of appointive systems in other states and news reports were printed by the Shreveport Times. The following excerpt is indicative of the position taken by the Times.

Of course the Times approves the recommendation to make the post of state superintendent of education appointive by the elected state board of education. We have been leading that fight for years--often alone. The committee suggests as an alternative the election of the superintendent at Congressional elections, but for six-year terms, thus removing the post from the bitter factionalism in the state office primaries. We agree that the latter is better than present system of election, but it is so far behind the appointive system that we do not think it would be considered. It would mean in most cases a 'cold' election with little or no public enthusiasm. No honest candidate seeking the superintendent's post, through statewide elections would be likely to have enough money to finance a statewide campaign properly.¹⁵⁵

Endorsed by the Legislative Council, which represented a large group of organizations,¹⁵⁶ the appointive superintendency bill was introduced in the Senate.¹⁵⁷ The effectiveness of this publicity campaign was seen after the Senate Education Committee gave the measure an unfavorable report and the proposal reached the floor on the minority

¹⁵⁵Shreveport Times, May 9, 1948.

¹⁵⁶Ibid., May 27, 1948.

¹⁵⁷Baton Rouge State Times, May 28, 1948.

report.¹⁵⁸ The Senate divided into two equal parts on the issue. This tie was broken and the bill defeated by the vote of Lieutenant Governor William E. Dodd.¹⁵⁹

The appointive chief state school officer bill was resurrected in the regular session of 1950. Introduced by a Caddo Parish legislator, Senator Charles E. Tooke, Jr., the bill seemed to have less backing than in previous attempts. A legislative news article printed in the May 30, 1950, edition of the Baton Rouge State Times reviewed the status of the bill:

A bill killed by a single vote two years ago-- to appoint rather than elect the state superintendent of education, is before the legislature again. The new bill was introduced in the senate by Senator Charles E. Tooke, Jr., of Caddo. It would propose a constitutional amendment to authorize the state board of education to appoint a commissioner of education abolishing the elective office of state superintendent of education. The commissioner would serve a six-year term. A similar bill was introduced in 1948 and was defeated by the Lieutenant Governor's vote.¹⁶⁰

The Tooke amendment was lost in the free school lunch furor and suffered the same fate as its predecessors. Seemingly possessed of more lives than the proverbial cat, the

¹⁵⁸Shreveport Times, June 5, 1948.

¹⁵⁹Shreveport Times, June 8, 1948.

¹⁶⁰Baton Rouge State Times, May 30, 1950.

commissioner of education bill made its biennial appearance in the regular session of 1952. The proponents of the bill were well organized. Publicity filled the newspapers and deluged the desks of the legislators. The prime movers in this drive were the Louisiana PTA and the Shreveport Times.¹⁶¹ Through the Legislative Council, the state PTA hierarchy was able to obtain the endorsements of the Louisiana Law Institute, the Louisiana Federation of Women's Clubs, the YMCA, the National Council of Jewish Women, the League of Women Voters, the American Council of Social Workers, and the American Association of University Women.¹⁶² Typical also of the PTA's efforts was the following letter which was printed in most of the newspapers of the state:¹⁶³

It is true that the PTA deplores our schools being used to build a political machine--we agree with the educators that the state superintendent of education should be appointed by a State Board of Education elected by the people. However, we are willing for the people to decide this issue and are only asking the legislature to call a referendum for this purpose. (The people of Louisiana have never been given the opportunity to vote on the method of selecting the chief state school officer.)

Mrs. J. H. Stringer
Citizen, Parent and a
member of the PTA

¹⁶¹Shreveport Times, May 7, 1952.

¹⁶²Baton Rouge State Times, May 13, 1952.

¹⁶³Ibid., May 6, 1952.

The Shreveport Times rushed to the aid of its ally with a national survey of chief state school officers and editorial commentary as excerpted below:

Despite twelve years of effort by the state PTA and innumerable organizations and individuals in the field of good education, Louisiana still sticks to the system of popular election on a factional ballot, of its state superintendent of education.

Some ninety per cent of the professional educators at the top executive level of the public school systems in the forty-eight states oppose the Louisiana system and favor the appointment of the chief state school officer by a non-factional state board elected by the people--as proposed for Louisiana. That is the system on which the nation's public schools were originally founded. It is the system of the American form of government, appointment to posts requiring professional qualifications and ability within the city parish state or federal levels with the public election of those who do the appointing.¹⁶⁴

The allegations of both the newspaper and the PTA were inaccurate. Mrs. Stringer's statement that the electorate had never approved the provision of the elective superintendency was patently incorrect. The editor of the Shreveport Times had conducted a survey by questionnaire. An examination of the questionnaire published by the Times as having been used to survey the nation's chief state

¹⁶⁴Baton Rouge State Times, May 7, 1952.

school officers reveals built-in biases. The assertion that the appointive system of filling public office is the "American form of government" is without foundation in fact. However, some credence of truth is lent to the statement by the remainder of the article.

Appearing before the House Education Committee as an individual, Dr. Edward B. Robert of Louisiana State University sought to point out some of the errors in this mass of propaganda. Dr. Robert's presentation examined the question from several viewpoints and concluded with his own position on the appointive superintendency legislation. The editor of the Shreveport Times assailed Robert's testimony first and then launched into a long diatribe.¹⁶⁵

Dr. Robert's testimony was supported by that of Francis F. Wimberly, principal of the New Iberia High School and a chief LTA spokesman, "If you appoint a superintendent, you will be naming a chancellor of education." Louis A. Cayer, superintendent of Avoyelles Parish schools declared, "Making the superintendent an appointive official is not taking him out of politics, it's just making the political stakes higher." J. Louis Smith, a former member of the

¹⁶⁵Shreveport Times, May 23, 1952.

Louisiana State University Board of Supervisors said that he did not see the difference between the board idea and what Thomas Jefferson once said: "Providence did not send a small group of people booted and spurred and ready to ride, and millions saddled and bitted and ready to be ridden." Festus A. Keelen, president of the Louisiana State School Boards Association also opposed the appointive commissioner scheme.¹⁶⁶

A varied group appeared before the committee to defend the bill: Mrs. J. H. Stringer, president of the Louisiana Parent-Teacher Association; Mrs. Eleanor Mead, former president of the State Board of Education; Representative Wellborn Jack, author of the bill under consideration; Frank Godchaux, former president of the State Board of Education; and Mrs. Vivian Bourgeois, division of instruction, Orleans Parish school board. The state level officers of the PTA figured prominently in the testimony. Mrs. Edward Moore, state PTA board member, stated, "The Legislature two years ago deprived the people of the right to decide this issue, we are asking you not to deprive us of that vote this year." Mrs. Fred Benton, president of the PTA's legislative council

¹⁶⁶Baton Rouge State Times, May 27, 1952.

claimed, "They are asking you to deny the people the right to vote and yet in the same breath, they say that you stand for democratic principles." The bulk of the presentation for the bill came from the PTA and State Board of Education members.¹⁶⁷

The House Education Committee struck down the Jack bill by a vote of ten to three.¹⁶⁸ A state survey of public education, completed in 1954, re-opened the issue recommending that the "state eventually appoint rather than elect its education superintendent." Representatives Mrs. Bland Cox Bruns and George Tessier of Orleans proposed a constitutional amendment to establish an appointive commissioner of education.¹⁶⁹ Following another suggestion of the Peabody Survey, proposed amendments were introduced to return the control over budgets and state department of education personnel to the State Board of Education.¹⁷⁰ This latter proposal seemed innocuous enough, but it served as a focal point of controversy.

¹⁶⁷Baton Rouge State Times, May 27, 1952.

¹⁶⁸Shreveport Times, May 28, 1952.

¹⁶⁹Ibid., May 11, 1954.

¹⁷⁰Baton Rouge State Times, May 18, 1954.

Following an exchange between State Superintendent Jackson and Representative Marshall Brown of Orleans, the legislator lashed out at the state school officer from the rostrum. Brown charged that Jackson had threatened him concerning the bill to give the State Board of Education the authority to approve educational budgets.¹⁷¹ This story was reported by the wire services and printed in the press of Louisiana:

Representative Marshall Brown's shouted charge in the house that State Superintendent Shelby M. Jackson had threatened Brown's political future touched off a legislative undercurrent of feeling. The young New Orleans lawmaker, tense with anger strode to the house microphone this week.

He declared that Jackson had approached him on the floor to demand who had forced him to introduce a bill that Jackson didn't want, and threatened to fight him the rest of his political life. Jackson, untiring salesman of total education, later explained that he had only voiced the intention to fight Brown's bill in committee hearings. But Brown said he had witnesses. The bill stirring the conflict would give the state board of education the right to approve the state department of education budget. Also, the board would receive \$30,000 the two years for a staff. It must now depend on Jackson's personnel. In Jackson's own words, he told Brown the bill would hamstring his own program. . . . During one of the fiscal hearings Jackson set off some open and much privately expressed resentment when he told lawmakers he wouldn't recommend any cuts in his record education budget.

Jackson's influence as state superintendent is

¹⁷¹Shreveport Times, May 20, 1954.

far-reaching in a department which oversees thousands of teachers, bus drivers and other school employees. Brown, discussing his bill, said he is going all out for it. For one thing it is recommended in the Peabody education survey. 'I believe the legislation would give the education board more power--under the present system, the state superintendent is able to build a political dynasty. If the board is going to function like it is, it might as well be abolished. It can't do anything about the administrative budget or personnel.¹⁷²

With introduction of bills to appoint a commissioner and give the state board budgetary and fiscal control of the state department of education, the confusion was compounded by a bill to set up minimum standards for the new commissioner. This latter measure provided that the state school officer should be a person of broad and professional education and experience, with special recognized abilities of the highest order in organization, direction, and coordination of education programs. The superintendent would be required to have the Master's degree. This bill would establish these requirements regardless of the success or failure of the related legislation.¹⁷³

As the several proposals began to move through the legislative mill, six members of the State Board of Education

¹⁷²Baton Rouge State Times, May 22, 1954.

¹⁷³Ibid., May 31, 1954.

issued an endorsement of the Peabody plan for a separate staff.¹⁷⁴ The key struggle in the whole controversy centered around this one bill. After the House Appropriations Committee approved the funds for such a staff,¹⁷⁵ State Superintendent Jackson and other school officials undertook a vigorous effort to block passage on the floor of the house. The charge of "lobbyist" was hurled at these officials. Representative Albert Koorie of New Orleans alleged, "Mr. Jackson had over 200 employees visiting members of the legislature to get them to vote against House Bill 501" (the Brown bill).¹⁷⁶

House Bill 501 was buried under an avalanche of red lights as the house voted 63-26 to reject the proposed separate staff for the State Board of Education. Superintendent Jackson carried his point, as reported in the press: "Jackson retains control of education funds as members reject bill to broaden the board's activities."¹⁷⁷ With this defeat the keystone in the movement to reduce the

¹⁷⁴Baton Rouge State Times, June 7, 1954.

¹⁷⁵Ibid., June 10, 1954.

¹⁷⁶Shreveport Times, June 16, 1954.

¹⁷⁷Baton Rouge State Times, June 18, 1954.

position of the state superintendency crumbled.

The Louisiana State Board of Education

The Constitution of 1898 provided for a state board of education in a very short clause: "The General Assembly shall provide for the creation of a state board and parish boards of education."¹⁷⁸ The major concern of the remainder of the section seemed to be the organization of parish school boards and provisions for parish superintendents.¹⁷⁹ Thus by implication, the state board of education seemed destined for a secondary role in policy-making for public education. The enabling act for the state board of education was not passed until 1900, which re-enacted Act No. 85 of 1896. Thus, Act No. 165 of 1900 provided that: "The Governor and State Superintendent of Education and the Attorney General, together with six citizens to be appointed by the Governor, one from each Congressional district to the state" would constitute the state board of education.¹⁸⁰ The board was vested with extensive authority

¹⁷⁸New Orleans Daily Picayune, May 6, 1898.

¹⁷⁹Ibid.

¹⁸⁰Robertson, op. cit., p. 7.

over the public schools. This was the status of affairs concerning the Louisiana State Board of Education until State Superintendent T. H. Harris' second biennial report appeared for the years 1910-11. In this recommendation for change, incorporated in the report, Harris proposed:

I recommend that the State Board of Education be made elective and that the Board be composed of one member from each of the congressional districts and the State Superintendent of Public Education, The Boards of Directors of the State University, the Louisiana Industrial Institute, the South-western Industrial Institute, the Louisiana State Normal School, the Blind Institute, the Deaf and Dumb Institute, and the Reform School should all be abolished and the State Board of Education required to administer the affairs of these institutions. All of these educational institutions are parts of the great school system of the state, and it stands to reason that a nearer approach to the proper courses and standards for each institution can be accomplished by one board of directors than by a number of separate boards.¹⁸¹

Harris proposed a single board resembling those of New York and North Carolina. A bolt from the blue would not have stirred as much activity as did this recommendation when submitted to the General Assembly in 1914. The Baton Rouge State Times editorialized vigorously in support of a "central board":

The proposed change in the management of the

¹⁸¹Robertson, op. cit., p. 51.

educational institutions of the state recommended by Superintendent Harris, should be adopted by the General Assembly.

The measure contemplated is one to substitute for the widely scattered individual institution boards, one general board with general central control over the institutions.

This board as now proposed by Superintendent Harris while carrying out the principle of the earlier boards has none of the defects to which a large elective board would be subject.

As now proposed there is to be one general education board to have control of all the state institutions of education and the public school system. This board is to replace the various boards of trustees for the different institutions, the present state board of education and institute board. It is to be composed of six members, one from each of the three railroad commissions of the state, the governor, and the state superintendent of education and one practical educator elected by the entire board who is to devote all of his time to work to see that the policy of the board is carried out.

The proposed board would have the virtue of compactness. It would bring into a harmonious whole the complete educational program of the state. It would unify and simplify the work at the different institutions.

A small board such as now proposed would be a state board in the broadest sense of that word. It would look to the good of the state as a whole, rather than the interest of any one institution, yet it would see that in its particular field the institution fitted to do the work was developed to the highest extent.

It is the proper business method of handling the education interests of the state. Superintendent Harris has made a careful study of Louisiana's education needs. He knows the public school system as no man in the state knows it. That he knows the needs of the state and its people is shown by the system of rural schools in agricultural and industrial line that he has built up.

He knows the higher educational institutions.

With them he has been intimately associated within recent years. His recommendations for a central board will carry weight and influence. It should receive the favorable consideration of the general public.¹⁸²

Specifically, what did the bill introduced by Representative Delos Johnson contain? An educational board of six members, composed of one from each railroad commission district, with the governor, the secretary of state and the state superintendent as ex-officio members. In addition to the members from the railroad districts appointed by the governor, a member of the board, named from the state-at-large would be an "expert and experienced educator and devote all of his time to supervising the work of the board, the state educational institutions." This measure was reported to have the support of Governor Hall.¹⁸³

A second editorial appearing in the May 22nd issue of the Baton Rouge State Times declared: "The State Times is convinced that the whole cause of education will be distinctly the gainer here in Louisiana, by the enactment into law of the education measure proposing to establish this central board."¹⁸⁴ A few days later, the legislative

¹⁸²Baton Rouge State Times, May 19, 1914.

¹⁸³Ibid., May 15, 1914.

¹⁸⁴Ibid., May 22, 1914.

journal reported that the Johnson bill had received a "unanimously favorable report" in the House Education Committee. House passage of the bill was assured.¹⁸⁵ The opposition came to life as the bill reached the Senate.

As the Senate Education Committee began its hearings, President Thomas D. Boyd of Louisiana State University testified against the bill. President Boyd queried Representative Delos Johnson concerning complaints against the bill. Johnson replied, "The complaint that I've heard is that you are it." A legislative news article stated:

The fight of friends of the university against the central board bill began today when President Boyd appeared before the committee. He contended that there was no demand for the central board as contemplated and there was not in Louisiana a duplication of work. He also held that the same character of men could not be gotten for membership on the central board. The board would not cure lobbying before the board which had been complained of. He said that there would be lobbying before the general board by friends and alumni of the institutions and then if not satisfied, would carry the fight to the General Assembly. This had been the result in the states where the general board had been tried.¹⁸⁶

As the controversy continued, the conflict became more bitter and personal, as the following editorial demonstrated:

¹⁸⁵Baton Rouge State Times, May 25, 1914.

¹⁸⁶Ibid., June 17, 1914.

This newspaper expressed itself favorably to the proposal to establish over the entire school system from the primary grades to the state university, one central, salaried expert board.

In other words, it favors the substance of the Johnson educational board merger bill--its favor based upon no especial investigation or upon any expert knowledge of its own, but upon the broad hypothesis that a system is a unit and should have unit management superior to all department management. . . .

Therefore the State Times is sorry when it finds itself at difference with those who are immediately in charge of the destinies of LSU --sorry and confeddedly somewhat tempted to be shaken into its decision, for this paper's chief aim in policy is to aid the cause of education, and it regards LSU as the very keystone in the arch that supports the whole structure.

We do not blame Colonel Boyd, President Stephens, President Huckaby and the rest for being worried over the effect of this legislation on their institutions. Each has been targets for unjust and disgraceful slander, but so was State Superintendent Harris and so were the public schools and the institutions.

The State Times feels sure that those who favor the Johnson bill when it passes will take chivalric pride in proving to the State University, to the Normal, and to the industrial institutions that the fears of their executives were unfounded, and that the Johnson bill is really the best thing that could have happened for all.¹⁸⁷

The Johnson bill was never enacted into law. With the demise of the measure passed the issue of control and composition of the Louisiana State Board of Education until after the Constitutional Convention of 1921. The general

¹⁸⁷Baton Rouge State Times, June 23, 1914.

education act, carrying out the constitutional mandates was passed as Act No. 100 of 1922. Section Six of this measure placed the management of all public educational institutions under the authority of the state board with the exception of Louisiana State University, which retained its Board of Supervisors. The composition of the state board included eight elective members, one from each of the congressional districts of the state plus three appointive members; one from each of the public service commission districts named by the governor with the advice and consent of the senate.¹⁸⁸

The next change proposed which concerned the state board of education was designed not to alter its functions but the manner of selection of board members. This was enacted into law as the Louisiana State Board of Education became an all-elective body of eleven members.¹⁸⁹ The long effort to place the State Superintendent under the control of the State Board of Education aroused a bitter clash which has been dealt with in connection with that office.

¹⁸⁸Acts of Louisiana, 1922, Act No. 100.

¹⁸⁹New Orleans Times Picayune, July 12, 1948.

CHAPTER III

THE EXTENSION OF EDUCATIONAL OPPORTUNITY

The full development of a system of public education came later in Louisiana than in many states of the nation. Hindered by the social, economic and political confusion of Reconstruction, the reaction of Redemption, and the continuing economic distress of the nineteenth century normal growth was impossible. The extension of new educational facilities and services in Louisiana has been a twentieth century phenomenon. As may be seen from previous citations, the Constitution of 1898 provided a stable basis for progress. This organic law, following the precedent established by the historic Plessey v. Ferguson decision of 1896, institutionalized the social fabric of Louisiana. Segregation, a social practice, became a well-developed legalistic social institution with economic and political adjuncts. By legislative process and judicial usage and custom, the separate but equal doctrine dominated the evolution of schools for both white and Negro children.

Parallel systems of education provided for both races have become part and parcel of the public schools of Louisiana. In addition to the fact of race, the problem of sectarian influence was an inhibiting factor in the provision of such auxiliary services as transportation, textbooks, and school lunches. Thus the extension of ordinary physical facilities for better educational opportunities has been a lesser problem.

I. THE ACCEPTANCE OF THE PUBLIC SCHOOL IDEA

In the late nineteenth century, Louisianians of the upper socio-economic strata clung to educational attitudes of extreme conservatism. The mass of poorer whites and Negroes were blithely indifferent. The views of these two groups were especially rigid in southern Louisiana. This problem was recognized by the leading newspaper of the state, the New Orleans Daily Picayune. In 1900 the influence of this great metropolitan daily was great. At that time, the Daily Picayune, published continuously since 1837, was under the personal guidance of its principal owners, the Nicholson family.¹ As the General Assembly convened in

¹Thomas E. Dabney, One Hundred Great Years (Baton Rouge: Louisiana State University Press, 1944), p. 380.

Baton Rouge for the regular session of 1900, this paper made a number of pointed references to the importance of universal public education in a republican democracy.

The inaugural address of Governor William W. Heard set forth the importance of increased support for public education. The New Orleans Daily Picayune gave the full text of the message prominent display under the topic "Free Public Schools":

It is the bounden duty of the republican government to assist in disseminating knowledge and providing for the free instruction of youth, not that we should build up a paternal government, but a government for the good of the whole, based upon virtue and intelligence. Ignorance and licentiousness are mortal foes to the popular government. The one causes violence and would overthrow the political fabric; the other is a consuming rust which slowly but surely undermines it. . . .

We have according to the census taken last year, 404,757 educable children in the state, of which number 196,169 are presently enrolled in our public schools. For the instruction of these children there are 3,302 schoolhouses and 4,138 teachers under pay. The increases of our population from immigration is augmenting these numbers and the obligation of the state in this regard.²

An editorial, printed a month later dealt with the general problem of schools:

It is a perilous thing to entrust the densest mental ignorance and the lowest moral depravity

²New Orleans Daily Picayune, May 22, 1900.

with the making of and the administering of the laws, and therefore, the citizens should be morally as well as intellectually prepared for his duties. Thus it is that the responsibilities of citizenship should not be thrust upon those who are unfitted and it is for the preparation of citizens that the schools, public and private, are maintained.³

These references indicated that some influential segments of the population recognized the vital significance of the public school idea. These writers inferred the common school or elementary school when discussing public education. The first genuine test of the idea came with the establishment of the high school.

II. THE HIGH SCHOOL

The American high school was seventy-seven years old when the delegates met at Baton Rouge in 1898. Yet the Louisiana Constitution of 1898 made no provision for public secondary education.⁴ The Convention may have shared the views of Governor Murphy J. Foster. The governor recommended enabling acts to the legislature in 1898 to provide "every opportunity and facility for acquiring a primary education."⁵ This attitude was not too surprising in view

³New Orleans Daily Picayune, June 22, 1900.

⁴Ibid., May 6, 1898.

⁵Ibid., May 25, 1898.

of the small number of students in secondary schools throughout the whole nation. Here was a struggle to extend educational opportunity which turned on the point of public faith in an educational institution. This was borne out by the official school statistics for the city of New Orleans which showed that only 1,000 children of a total enrollment of 28,153 were attending high school.⁶ Since the per pupil expenditure for the high-school students was three times that of the elementary school, the chief lack of support was in terms of students.

In 1900, there were no references to the high schools either in the editorials or the published statements of the governor. The single mention of the high school in Governor William W. Heard's message was buried in a discussion of school textbooks.⁷ Despite the prevalent apathy, the high school spread slowly over the state in a haphazard fashion. To bring order from the chaos, leadership from the office of the state superintendent of education was required. This came in the form of a new member of the State Department of Education--a state high-school inspector.

⁶New Orleans Daily Picayune, May 7, 1898,

⁷Ibid., May 13, 1902.

The first appointee was Dr. S. W. Weber, a native of Pennsylvania.⁸ New standards for high schools were drafted by Dr. Weber and adopted by the State Board of Education. These regulations defined the dimensions of state approval and accreditation for the high schools. The progress of this work was noted in the press, especially the metropolitan dailies. On November 3, 1908, the high-school inspector reported that fifty-three schools would possibly qualify for approval.⁹ Each of the schools approved would receive \$500. Later in November, 1908, the high school received another boost toward creating a favorable image in the public mind. A committee of the state teachers' association presented a study on agriculture teaching in the schools. One of the specific recommendations of this group was the establishment of rural agricultural high schools. A specific type of high school to meet the needs of rural youth was proposed.¹⁰

On December 17, 18, and 19, 1908, a conference of high-school principals met at Baton Rouge. During this

⁸Baton Rouge State Times, February 2, 1908.

⁹Ibid., November 3, 1908.

¹⁰Ibid., November 9, 1908.

conference a list of sixty-two approved high schools was released to the newspapers and was given front page attention.¹¹

In the fall of 1909, the first agricultural high schools were ready. Victor L. Roy had been working out the courses of study for the ten agricultural schools scheduled for 1909-1910.¹² To see this type of school in operation in other states, Superintendent Harris went on a tour of the western states in October of 1909.¹³

From the events of January, 1910 promised to be a busy year. Harris issued a public statement of high-school statistics and requirements in Louisiana. The Baton Rouge Civic Association supported Harris and Dr. Weber and advocated the "introduction of domestic science and scientific agriculture" in the schools of the city.¹⁴ The progress accomplished in a short span of two years was due not only to the efforts of Dr. Weber, but a change in public attitudes. This progress was accomplished so rapidly that

¹¹New Orleans Daily Picayune, December 20, 1908,

¹²Baton Rouge State Times, September 9, 1909.

¹³Ibid., October 16, 1909.

¹⁴Ibid., January 12, 1910.

Dr. Weber left Louisiana later in the year.¹⁵ In a visit to Louisiana in 1955, the former high-school inspector gave a very vivid description of the sacrifices made by local communities to provide the requisites for state approval.

When the General Assembly convened in 1910, Governor Jared Y. Sanders emphasized the developments in public education:

The country schools have begun to give serious attention to the teaching of agriculture. Nine schools have established departments of agriculture and have placed trained teachers of scientific farming in charge of them. Six thousand country boys have been enrolled in corn clubs and will be taught agriculture at their homes. The state board of education keeps in the country districts an organizer of School Improvement Leagues. The salary and expenses of this office are paid by the Southern Education Board.

Through the assistance of the U. S. Department of Agriculture, an organizer of corn clubs was engaged a year ago. Through his efforts, the country schools are being brought in close touch with farm life by inducing large numbers of country boys to farm scientifically at their homes.

The high schools have almost doubled in number during the last two years, notwithstanding the fact that the standards as to courses of study, length of recitation periods, equipment, number of teachers, etc. have been materially raised. Sixty-five per cent of our children are in the public schools and of this number, 7,500 are pursuing the high-school branches. The high

¹⁵Baton Rouge State Times, February 10, 1910.

schools are regularly inspected by the state high-school inspector. His salary and expenses are paid by the General Education Board.

This brief statement shows that (1) the schools are administered by teachers of ability; (2) that the scholarship of the teachers has been increased; (3) that the country schools are improving; (4) that high schools are being placed within the reach of all people and that the standard of work in them has been raised; and (5) that the people are proving their faith in public education by investing their money in buildings, longer terms, better teachers and by sending their children to school.

The immediate needs of the schools are: (1) liberal state support of high schools; (2) as large an appropriation as possible from the state to the Current School Fund; (3) placing the school finances upon a permanent basis.¹⁶

Dr. Weber's third and final report as high-school inspector showed eighty-seven approved schools. He recommended an increased appropriation to promote further improvement. Dr. Weber's departure from office on August 1, 1910, was given ample coverage in the newspapers:

Dr. Weber, the first high-school visitor, has done a splendid work in raising the standard of the high schools of Louisiana and in making the work more uniform. He was selected for this work by former State Superintendent Aswell.¹⁷

Successive news articles announced the appointment of Leo M. Favrot of St. Martinville to succeed Dr. Weber.

¹⁶Baton Rouge State Times, May 9, 1910.

¹⁷Ibid., July 2, 1910.

The Louisiana State Board of Education's designation of Favrot seemed to indicate that state supervision of secondary education had been firmly established.¹⁸

A wave of conservative reform swept the candidates of the Good Government League into office in 1912. Governor Luther E. Hall, while not in personal or political sympathy with Superintendent Harris or Favrot, did comment on the role of the high schools:

The high schools have increased in numbers and their standards of work have been raised; agricultural departments have been organized in twenty-five schools, the departments of domestic science in a still larger number of schools; the work of consolidating the country schools has gone forward steadily; several million dollars have been invested in school houses and thousands of country boys and girls are being wisely directed in practical farm work. These schools of the people should receive every dollar of state funds that can be spared to them. In order to stimulate this effort and give needed assistance, generous appropriations from the general fund should be made to: (a) approved high schools; (b) departments of agriculture; (c) rural schools meeting specified standards.¹⁹

In the deliberations of the Legislature on education, the very opposite of "generous" appropriations seemed to be the case:

¹⁸Baton Rouge State Times, August 2, 1910.

¹⁹Baton Rouge New Advocate, May 16, 1912.

Every recommendation State Superintendent Harris made, asking for aid from the general fund for the approved high schools, for the country schools of higher standard in the elementary grades, for the agricultural high schools, was rejected by the house appropriations committee, and his own traveling expenses reduced.²⁰

The Committee's action was not wholly unexpected. However, subsequent action by the Legislature added \$200,000 for high schools and \$100,000 for agricultural and approved high schools. Perhaps this abrupt reversal was due in part to a survey of opinion conducted by the Baton Rouge New Advocate:

Reports from teachers and businessmen show that good work has been done, not experimental; replies show that the schools have passed the experimental stage--many steps toward agricultural improvement to the schools.

The agricultural schools have proved successful and valuable wherever established is the unanimous opinion of all parties who have so far answered the questions submitted by the agricultural extension department to determine just what the schools have accomplished.

The step was taken largely to show that the agricultural high schools are rapidly passing the experimental stage and that they have accomplished their purpose. Questions were sent to the teachers, superintendents, and prominent businessmen in the parishes where the schools are situated, and a large number of answers have been received.

Increased interest in better farming methods, larger production, valuable assistance to the

²⁰Baton Rouge New Advocate, June 21, 1912.

neighboring country, aid to the back to the farm movement and improved conditions are some of the things that have been accomplished, according to the replies received. Replies have been received from: Hope Villa, Ascension; Farmervill, Union; Merryville, Calcasieu; Minden, Webster; etc.²¹

The appropriation voted by the house was drastically revised downward and a much smaller amount finally approved. The popular acceptance of the expanded high schools had increased to the point of demand as indicated from the survey.²² It should be noted that the principal expressions of opinion had come from state leadership. In the light of this fact, the Daily Advocate survey has even greater significance.

Two years later a controversy related to the high schools arose over the dismissal of Leo M. Favrot as high-school inspector. Favrot was released on the ostensible opposition of the teacher-training institutions to certain recommended standards of teacher preparation. Robson has shown in his study that political factors acted with this opposition to force out Favrot, who was identified with an

²¹Baton Rouge New Advocate, June 8, 1912.

²²New Orleans Daily Picayune, August 19, 1912.

out-of-office faction.²³ A. C. Bernard was named Favrot's successor. A chain of events followed. The General Education Board withdrew its aid. Since the Legislature had appropriated no funds for the position, Bernard was not paid.²⁴ This situation could not be rectified until the next session of the Legislature. Needless to say, Bernard resigned the office.

A beneficial result came from this episode. The position of state high-school supervisor was fixed in the State Department of Education and the salary provided from state funds. Clarence A. Ives was selected to fill this post, which he continued to hold until 1923.²⁵

By the beginning of Ives' incumbency as inspector, the struggle for the establishment and accreditation of the public schools was finished. Future changes were destined to be gradual until the change from the eleven-year grade pattern to the twelve was proposed. This controversy began

²³John B. Robson, "Thirty Years of Growth in Secondary Education in Louisiana, 1908-1938" (unpublished Doctor's dissertation, Peabody College, Nashville, 1945), p. 150.

²⁴Minns S. Robertson, *Public Education in Louisiana after 1898* (Baton Rouge: Franklin Press, 1952), pp. 67-69.

²⁵Ibid., pp. 70-71.

in 1938:

Creation of a commission to study the plan of adding an additional year to the Louisiana school system, was introduced in the house by Representatives Frazar, McCulloch, Montgomery and Boucher. The bill carries an appropriation of \$10,000 a year to defray expenses. It provides for a commission of seven; two members of the state legislature, two members of the state board and three laymen or educators interested in the school system, from the state at large. An additional school year making twelve in all, has been advocated by the Louisiana Parent-Teacher organization and other educational bodies. At present the system requires eleven years; with seven grades in the elementary school and four in high school. The PTA has advocated eight years in the elementary grades.²⁶

The Commission thus constituted was appointed, and diligently set about its task. Shortly before the 1940 session of the Legislature, the Commission released a statement to the press proposing a twelve-grade plan. The inauguration of the proposed change would require an estimated \$1,000,000 additional per year. Educators were not in general agreement on the change. The members of the commission were: Mrs. Eleanor Meade and Parrish Fuller of the State Board of Education; Mrs. Paul A. Blanchard of the PTA; Spencer Phillips of the Louisiana Teachers' Association; C. G. Davidson,

²⁶Baton Rouge State Times, May 25, 1938.

Henry Sevier, and Dr. James W. Shaw, State Representatives.²⁷

Lacking adequate support in the regular session of 1940, the bill for a twelve-grade school system failed. Proponents of the measure revived the issue in 1942. Mrs. Beatrice Moore of Caddo Parish proposed a sweeping change in the educational system of the State introducing a bill to complete the change to a full twelve-year program by 1947. The Moore bill was supported by the New Orleans Association of Commerce, the Louisiana PTA, State Superintendent John E. Coxe, Frank Godchaux, president of the Louisiana State Board of Education and other civic minded individuals and groups.²⁸ Failing to get a majority in the House of Representatives, the bill was not enacted into law.²⁹

In 1944, the twelve-grade school was again proposed, State Superintendent John E. Coxe issued a statement emphasizing the vocational aspect of the program:

Increased emphasis on vocational education will accompany the setting up of the twelve-grade school program in Louisiana, State Superintendent Coxe said yesterday. Recommendations of a special committee to the state board of education call for

²⁷Baton Rouge State Times, May 7, 1940.

²⁸Ibid., May 28, 1942.

²⁹Ibid., July 9, 1942.

broadening high-school training in industrial arts, home economics, business education and distributive education. Vocational guidance programs will begin in the lower grades and will be continued through high school as part of the general educational offering. As exploratory courses, the industrial arts will be particularly stressed in the seventh and eighth grades. The foundation for agricultural training will also be laid in the elementary grades and the plan calls for a department of vocational agriculture to serve those in school and out, in every high school in the state where agriculture is a major interest and where there is a demand for such courses. A corresponding program will be carried out in home economics with the various phases of home-making taught throughout the school grades and also in short unit extension courses. Expansion of business and distributive education courses is likewise on the agenda with a set-up in both general and specific teaching in the high school for students who plan to enter business and distributive selling occupations. The cooperation of the school boards will be sought in the building of farm shops and industrial shops, home economics laboratories and other vocational facilities. The trade schools will be known as area vocational schools and will broaden vocational teaching given in them.³⁰

The Louisiana State Board of Education voted unanimously to request the Legislature to enact the twelve-grade plan.³¹ Many groups, educational and civic, supported the change. The expression of journalistic opinion or advocacy was limited. Other than straight news reporting the proposed twelve-grade school system did not become a broad public

³⁰Baton Rouge State Times, June 16, 1944.

³¹New Orleans Times Picayune, May 7, 1944.

public controversy probably because of prevailing wartime conditions which dominated the press and the minds of the public.

The development and growth of the high school as a manifestation of popular acceptance of the public school idea did not seem to attract positive action in the Louisiana press. The final passage of a bill to abolish the eleven-grade school system was difficult to find in the newspapers buried among the other items in the legislative journal. Perhaps the slow change which characterized this issue removed its controversial and newsworthy qualities. In contrast to contemporaneous struggles for school support, the nurture of the concept of public schools, even the high schools was a calm process. The role of the press was cast not in that of shaping and expressing opinion pro or con, but informing the people of actions taken by educational and political leaders. While this role does not attract attention or create a sensation, it does perform a vital function in the dissemination of information.

III. NEGRO EDUCATION

Since the whole structure of bi-racial education after 1898 was based upon the decision of the United States Supreme Court in the case of Plessey v. Ferguson, the following

excerpt from the majority opinion of the court is cited:

So far then as a conflict with the Fourteenth Amendment is concerned, the case reduces itself to the question of whether the statute of Louisiana is a reasonable regulation, and with respect to this there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order. Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of the state legislature.³²

This separate but equal doctrine appeared in the Educational Ordinance adopted by the Constitutional Convention of 1898: "There shall be free public schools for the white and colored races separately; established throughout the state for the education of all children between the ages of 6 and 18 years."³³ Thus the segregation of the races in the schools was provided by constitutional authority in Louisiana.

This article on public education seemed simple until

³²Alpheus T. Mason and William M. Beaney, American Constitutional Law (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1955), p. 474.

³³New Orleans Daily Picayune, May 6, 1898.

an implied significance emerged in the article on suffrage. Governor Murphy Foster's message to the Legislature seemed to suggest the part that education might be expected to play in the move to reduce the political influence of the Negroes:

The primary duty of this state is to afford facilities to all of its people for the acquirement of an ordinary school education through a public school system, in order that the children of the commonwealth may be properly prepared and equipped for the discharge of the duties of citizenship of a free government. The progress and enlightenment of the age in all branches of the arts and sciences render this necessary in order that its citizens may keep abreast with those of other states in the development of its resources, and to that end the state should at least furnish the elementary teaching as a basis for the higher education required in this competition. The adoption of the suffrage article makes the duty imperative. The constitutional convention therefore exhausted every effort to meet this requirement, in order that every child might enjoy the privilege and opportunity of acquiring at the public schools free of cost, a primary education. The educational prerequisite to suffrage, and in default thereof the property qualification, renders obligatory on the state to supply, if its means will permit, the ready acquirement of the necessary knowledge. To a certain extent the state has already done so and has year by year increased the educational advantages and opportunities of its youth.³⁴

The magnitude of the need for literacy was pointed up by the biennial report for the years, 1898-1899. Concerning this document the Daily Picayune commented: "Moreover, many

³⁴New Orleans Daily Picayune, May 25, 1898.

children are growing up in ignorance because their parents take no pains to send them to school, and although the greatest number are Negroes, many are whites."³⁵ The efficacy of education for the Negro was questioned in many quarters. Articles and editorials in opposition to the education of Negroes similar to the following excerpt were printed:

During the decade from 1880 to 1890, the negroes [sic] grew more criminal by 33-1/3 per cent; illiteracy decreased during that decade by over 18 per cent. So by the census of 1890, the investigator is confronted with the fact that the race, though constituting less than 12 per cent of the population of this country, furnished 30 per cent of the crime of this country, including 37 per cent of all homicides, 57 per cent of all female homicides and 40 per cent of all assaults. This is in the face of the fact that over \$100,000,000 has been spent on their education in twenty-five years and that illiteracy among them has decreased by 42 per cent. (Cited from an article in the North American Review written by Professor J. R. Stratton of Mercer University, Georgia.) The facts are conclusively that merely intellectual education does not raise the moral standard of the negro [sic] race or make him any better, either as a man or as a citizen. All the facts are just as conclusive that education does not make them any better only worse.³⁶

Two years later in 1902, the topic of Negro education again gained attention in much the same vein as before. A convention of parish superintendents had assembled in Baton

³⁵New Orleans Daily Picayune, June 20, 1900.

³⁶Ibid., June 17, 1900.

Rouge. One of the principal speakers was Dr. Edwin A. Alderman, President of Tulane University. The address was reported in this manner:

Dr. Alderman, on Education, President of Tulane entertains them with an eloquent address: 'I believe in the education of the Negro, I believe in the education of the mule, I believe in the education of all animals.'³⁷

Certainly such expressions of opinion by men of Dr. Alderman's caliber and by editorial writers did little to advance the cause of schools for Negroes; and if considered in conjunction with the anti-Negro attitudes embodied in the Constitution of 1898, their effect was negative. With the passage of a few years, some of the opposition and animosity toward education for Negroes was softened. The Census of 1910 indicated that 48.8 per cent of the Negroes of Louisiana were illiterate as opposed to 14.2 per cent for the whites. Editorials cited this Census emphasizing the point that Louisiana led the nation in the number of illiterate adults.³⁸ Newspapers from all sections of the state publicized these facts.³⁹

³⁷New Orleans Daily Picayune, May 23, 1902.

³⁸Baton Rouge News Advocate, May 13, 1910.

³⁹Shreveport Times, May 15, 1910.

For four decades editorials on literacy typified Louisiana's public expression on Negro education. Except for isolated cases, the question was largely ignored. This was not too unusual since the newspapers were published by the whites for white readers. However, in 1946, the issue of Negro education was advanced by an organized Negro group--the Negro teachers of Louisiana.

When it became apparent in 1946, that some sort of legislation to establish a statewide minimum salary schedule would be approved, the Negro teachers sought equal treatment in salary rates. The Negro teachers had long been discriminated against in the teachers' salary scales. When an improvement in the scales seemed imminent, the Negro teachers began to petition the parish school boards for salary equalization.

A case in point took place in East Baton Rouge Parish. Malcolm Legard, a Negro teacher in that parish petitioned the school board to equalize the salaries of Negro and white teachers. Legard claimed: "A Negro teacher teaching in a high school and holding a BS degree and having ten years experience, is paid \$1,440 a year, while a white teacher similarly situated, received \$2,400." Legard declared that this practice was "purely discriminatory against the Negro teachers and principals and in favor of the white teachers and principals

based solely upon race and color and is therefore in violation of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States."⁴⁰

After the Legislature convened an unofficial meeting of school finances was held at the request of Superintendent John E. Coxe. Coxe broached the subject of Negro teachers' salaries, suggesting that the "strong arm of the federal government would force the state to do more for the Negro teachers." He stated that the school boards in almost all of the parishes were faced with suits for equal pay for Negro teachers. It was proposed that additional funds be provided to raise the status of all teachers, "not to pull down the white to aid the colored, so that we can live happily with out colored associates."⁴¹

While these discussions were in progress, the East Baton Rouge Parish School Board considered the equalization suits, delaying final action until the Legislature should act. When no state action seemed to be forthcoming to alleviate the situation, the East Baton Rouge Board voted to defend their position. To do this, the board employed

⁴⁰Baton Rouge State Times, May 3, 1946.

⁴¹Ibid., May 15, 1946.

additional legal counsel.⁴²

With the final outcome of this litigation still pending, the new minimum salary schedule proposed in 1948 was enacted into law. This resolved the equalization of pay controversy, but the initiative to raise other questions had passed to the Negro pressure groups through default by the white groups. The National Association for the Advancement of Colored People brought the next issue through the federal judiciary. This became widely publicized under the term, integration.

Through a series of legal actions, the NAACP initiated a massive assault upon segregated schools. As the Louisiana Legislature met in May, 1954, the United States Supreme Court had announced that a decision would be forthcoming in the desegregation suit of *Topeka v. Brown*. All similar suits would be settled by this decision. The impending opinion drew prognostication in the press:

Entirely aside from financing, which is a part of the over-all finance picture, and in view of the possible Supreme Court decision against segregation, education at all levels will take on added significance this year. . . .

Point of decision on several fronts aside from financing could produce some of the hottest

⁴²Baton Rouge State Times, June 14, 1946.

arguments of the session. The ostrich-like head-in-the-sand attitude of many educators and educational leaders could for instance erupt with an anti-segregation decision by the Supreme Court to a point which could materially change the entire public school system.⁴³

The decision of the United States Supreme Court handed down on May 16, 1954, ruled segregated public schools inherently unequal and unconstitutional. The newspapers carried the story in banner headlines. Accompanying articles advocated "steps to keep Louisiana segregation."⁴⁴ A House resolution called upon the Legislature "to find means to skirt the court ban."⁴⁵ A column devoted to the comments of parish school board presidents and superintendents reported "Educators Reaction to Ban Calm."⁴⁶ A mass of publicity followed, with the same theme--preserve segregated schools. Proposals were made: (a) to authorize the State Department of Education to set up a school zoning system and designate who shall attend which schools; (b) to convert the public school system to a private school system with the State paying

⁴³Baton Rouge State Times, May 8, 1954.

⁴⁴Ibid., May 17, 1954; Shreveport Times, May 17, 1954.

⁴⁵Shreveport Times, May 19, 1954.

⁴⁶Ibid., May 18, 1954.

tuition for both Negro and white students.⁴⁷ A few weeks later, a group of four bills designed to circumvent the United States Supreme Court decisions were reported from the House Judiciary "B" Committee. This action was reported in the newspapers as follows:

A proposed constitutional amendment: the heart of the constitutional measure directs separate schools for whites and Negroes and also authorizes state financial assistance for students attending private elementary and high schools. 'The legislature may provide for a public education system of the state to consist of all public schools and institutions of learning operated by state agencies and supported in whole or in part by the appropriation of public funds, and enact laws on all matters regarding the terms and qualifications of admission to public schools or may provide alternative plans for the education of the school children of the state.' The other three bills are enabling acts.⁴⁸

Through parliamentary maneuvering, the Legislature rushed work on bills related to segregation. Such action was not without opposition. As the amendments to the approved bills were worked out, they had the approval of Governor Kennon, State Attorney General Jack P. F. Gremillion and the educational organizations. One of the measures as amended, provided for all elementary and secondary schools to be

⁴⁷Baton Rouge State Times, May 25, 1954.

⁴⁸Ibid., June 21, 1954.

operated separately for white and colored children, "in the exercise of the state police powers to promote and protect public health, morals, better education, and the peace and good order of the state, and not because of race." A second bill concerned the enactment at some future date laws to regulate school admissions.⁴⁹ Objectors to the bills felt that the action was too hasty and a wait-and-see policy should be adopted. The New Orleans Council of the Parent-Teacher Association submitted a letter opposing any change in the present public school system.⁵⁰ Further objection was raised when the school bills reached the floor of the house.⁵¹ After additional amendment in the senate committee deleting the private school provision, the police power bill and pupil assignment plan were approved.⁵²

Serious criticism of the segregation legislation appeared in the Roman Catholic publication, Catholic Action of the South. The bills were termed "vicious and dangerous." The publication said that House Bill 1138 called for the

⁴⁹Baton Rouge State Times, June 24, 1954.

⁵⁰New Orleans Times Picayune, June 24, 1954.

⁵¹Baton Rouge State Times, June 30, 1954.

⁵²Ibid., July 1, 1954.

assignment of every pupil to schools. The editorial also claimed that the right of free speech and freedom of the press would be denied to anyone who favored the Supreme Court's decision.⁵³

By the time of the fiscal session of the Legislature in 1955, a large surplus of funds from the oil-rich tidelands had accumulated in the state treasury. The segregation forces headed by State Senator William M. Rainach of Summerfield advocated a school equalization program financed by these funds. The money would be used to equalize white and Negro schools, and was termed "Louisiana's hope of avoiding desegregation if the United States Supreme Court decides to enforce its school decision of last May." To carry out this proposal \$33,500,000 would be appropriated immediately as the start of a \$225,000,000 school construction project spread over a span of ten years.⁵⁴

Other individuals and groups denied the efficacy of the plan. Some claimed that the tidelands' revenues would be wasted since equalization of facilities would not preserve

⁵³Baton Rouge State Times, July 2, 1954; New Orleans Times Picayune, July 2, 1954.

⁵⁴Lake Charles American Press, May 9, 1955.

segregation.⁵⁵ Herbert H. Watkins, president of the Louisiana Police Juries Association, stated that the school building idea would "open the floodgates to all future building of local schools with the state money." President Watkins stated:

I'm just as strong for segregation in our schools as anyone in this state but the Supreme Court has already held that equal facilities do not mean more equality. We would be wasting our tidelands heritage to assume that we could attain the goal of segregation or keep it by building adequate school facilities for Negroes. We already have adequate facilities in this parish [Claiborne] and many others have the same. We are compelled to look some other way for the solution.⁵⁶

The editorial writers of the Shreveport Times opposed the proposed use of the tidelands money from another viewpoint:

The proposed constitutional amendment agreed to by the joint legislative highway committee and the school segregation committee of the state legislature for a permanent constitutional three-way split of all present and future tidelands minerals revenue between the highways, public schools and general debt retirement is thoroughly unrealistic and illogical.

It assumes that from now on the needs of Louisiana's highways, its public schools and its debt retirement always will be identical and

⁵⁵Baton Rouge State Times, May 11, 1955.

⁵⁶Ibid.

the same in every future state administration.⁵⁷

While opponents called the school construction bill a "grab and divide" scheme,⁵⁸ Senator William M. Rainach's defense of his position was recorded in the Baton Rouge State Times as follows:

Rainach insists that there will be more than enough money to pay for the program. 'The school building program must be passed. Education and segregation are indivisible--to ignore this fact is reckless folly. Louisiana must stand before the nation completely cleared of the charge that we discriminate against our colored children. We cannot turn aside our moral duty in this respect, nor can we turn aside an obligation to the poor children who unfortunately live in the poor areas of this state.⁵⁹

Governor Robert F. Kennon rejected the "whole hog bill":

We should not tie the hands of future legislatures and future governors so that they will be faced with the alternative of either cutting down our current fine school program (or our essential highway or welfare program) or levying new taxes.⁶⁰

Kennon's views were shared by the Shreveport Times which published a survey purporting to show that the parishes had not

⁵⁷Shreveport Times, May 10, 1955.

⁵⁸Ibid., May 11, 1955.

⁵⁹Baton Rouge State Times, May 13, 1955.

⁶⁰Shreveport Times, May 12, 1955.

exhausted their millage limits for school building.⁶¹ This paper also declared:

There has been no check on this material by an independent source, except in the study by the Louisiana Public Affairs Research Council which thoroughly destroys the pretended factuality of some of the state department's contentions and thus throws doubt on virtually all of them.⁶²

The Rainach measures were supported by the Louisiana School Boards Association, the Louisiana School Superintendents' Association, State Superintendent Shelby M. Jackson and teachers' groups.⁶³ The administration introduced a compromise substitute of \$8,000,000 which was voted down in committee.⁶⁴ A part now, remainder later bill, was approved by the House and Senate. The final form of the bill had no mandatory provision for the equalization of school facilities for Negroes. This evoked some objection in the House:

They have told us it [the Supreme Court] is coming out with a directive on how to carry out integration--then this bill we have before us is entirely premature. In this bill we don't even have a guarantee the state aid will be spent for

⁶¹Shreveport Times, May 11, 1955.

⁶²Ibid., May 23, 1955.

⁶³Ibid., May 17, 1955.

⁶⁴Baton Rouge State Times, May 20, 1955.

equalization of schools between the races. There is no guarantee that this money will be spent for Negro projects.⁶⁵

The appropriation bill accompanied by two other bills passed by the Legislature, were sent to Governor Kennon. These bills became law as Acts 555 and 556. Act 555 barred the Louisiana State Board of Education from approving any public schools which admitted both races and prevented state colleges from recognizing graduation certificates from such schools. Act 556 authorized parish superintendents to assign children to schools. On June 10, 1955, the front page lead story was the Kennon veto of the school building program.⁶⁶ Thus the controversial move to utilize state funds to equalize school facilities between the races was not resolved.

In 1956, Governor Earl Kemp Long refused to make any firm commitment on the race issue, in his message to the joint session of the legislature.⁶⁷ Segregation forces operating under the active leadership of Senator Rainach proposed to eliminate compulsory school attendance at schools forced to integrate until new means of segregation

⁶⁵Baton Rouge State Times, May 25, 1955.

⁶⁶Ibid., June 10, 1955.

⁶⁷New Orleans Times Picayune, May 23, 1956.

could be established.⁶⁸ This and other measures were under consideration when the joint committee on segregation received a petition which made headlines in the newspapers of the State. This petition was sent in by the Louisiana Civil Liberties Union, asking the legislature to "refrain from adopting any resolutions for the avowed purpose of nullifying a decision of the Supreme Court." The principal furor arose when the names on the document were checked out and a number of signatures of faculty and staff members from Louisiana State University was found.⁶⁹ These individuals were requested to complete a questionnaire by which they could purge themselves of intent. This was agreed to by the university administration.

In mid-session, the teacher tenure law was amended by a segregation provision. The amendment would permit the firing of teachers under the tenure procedures by reason of advocating racial integration in the schools. The Negro teachers' association, the Louisiana Education Association, protested the passage of the segregation clauses:

In effect, it makes it possible for the individual

⁶⁸Baton Rouge State Times, May 23, 1956.

⁶⁹Ibid., May 25, 1956.

teacher to belong to any fraternal, religious, civic, political, professional, and educational organization without being held responsible for any statement of policy, opinion, or speeches, etc., of any officer or other member of such organizations. Teachers belong to organizations for many reasons and in each organization there are as many shades of opinion. House Bill 1447 would have the effect of convicting in advance any teacher who belonged to any organization whatsoever which advocated ideas that the bill provides against.⁷⁰

All opposition was over-ridden and the segregation measures enacted. The race question was far from resolved in 1956. Suits had been filed and were pending in New Orleans seeking the admission of Negro children to previously all-white schools. What lay ahead could not be foreseen in 1956. While the expressions of public opinion in the press supported the segregationist viewpoint, there was some noticeable relaxation of the race barriers. The articulate resistance of organized Negro groups to extremist measures represented a new phenomenon.

IV. THE PROVISION OF AUXILIARY SERVICES

The provision of auxiliary services has been a key factor in the extension of educational opportunity. School transportation has brought more children to school, free

⁷⁰Baton Rouge State Times, June 21, 1956.

textbooks and school lunches have enabled the school to hold an increasing proportion until graduation. Criticized in some quarters as "fads and frills" and in others as aid to denominational and private education, the free textbooks' provisions were a source of controversy.

School Textbooks

The provision of textbooks and other learning materials has long posed problems for the parents of children and the school systems. The free textbook service was recognized as vital to free public education for many years before Louisiana embodied the principle in law. Some investigation of the background of the problem will indicate the growth of public feeling or the lack of it, for state-supplied textbooks. Delving into this period when the service was provided by the parents of children, expressions of concern came from many sources.

The Constitutional Convention of 1898 made no effort to regulate or otherwise prescribe the procurement and distribution of school books. A muddled antiquated system of operation by contracts with suppliers was maintained. After complaints and inferences of improper influence in book selection, a special committee was named by the State Board

of Education to study the textbook problem.⁷¹ The Committee solicited evidence from the public and expressions of opinion through the press. The Baton Rouge State Times announced editorially that it would be glad to receive and print comments from its readers on this topic. The following letter appeared in response to this article:⁷²

To the Editor of the State Times:

Dear Sir:

Will you kindly publish the following?

As Mr. Stevens of Lafayette invited opinions through the press in regard to the present system of school books.

I for one am very much dissatisfied with the way the school board has acted in the adoption of books. I bought at the opening of school, \$7.00 worth of books, as the entire system of school books had been changed, and the books from the past session which were perfectly new had to be laid aside. I also bought two books which were Civics and Hygiene, which have only been in use only four months, and they too have to be thrown aside. I think by all means, the Hygiene should have been taught as it is very essential to health and our children know little enough about that study.

Now at the intermediate examinations I have again purchased \$3.50 worth of books as zoology has also been abandoned. Now if this changing of school books continues, how is a man working for a moderate salary to educate his children? . Hoping there will be some way to solve this problem through the medium of the press, I remain

⁷¹Baton Rouge State Times, January 12, 1910.

⁷²Ibid., January 21, 1910.

respectfully,

A Parent

In this letter's last paragraph was a question not to be answered fully until state-supplied school books were provided. The immediate question could be solved through a plan of state adoption. Superintendent Thomas H. Harris prepared a proposal for submission to the House Education Committee. The climate of feeling caused the question to receive front page attention. The House Education Committee members were "understood to be as one in wanting the matter of school book adoption gone into and thoroughly renovated."⁷³ Harris introduced his plan to conciliate the issue through the newspapers before the committee hearings began:

He [Harris] thinks in the first place, and so will propose to the committee on Tuesday, that the textbooks now adopted and over which so much fuss has been kicked up, should be allowed to remain in the schools without change for seven years. He wants the legislature to authorize an extension of the contract for three years. He will also propose that the law be so changed that only a limited number of textbooks can be changed at an adoption--say twenty-five per cent at each adoption. He will also propose that the law be so changed that the selection of the textbooks will fall upon a committee of teachers or those who will have had experience as teachers. The committee that will have the selection of textbooks according to the views of State Superintendent Harris should be named

⁷³Baton Rouge State Times, May 11, 1910.

by the State Board of Education and one from each Congressional district. The seven members should be schoolmen and their recommendations should be binding upon the State Board to the extent that they would have the right to only reject certain books recommended, but would have to depend on the committee to recommend other books in their place. A number of bills along this line have been introduced--all providing for a change in the method of selecting textbooks.⁷⁴

Superintendent Harris' plan was finally enacted and the machinery for the selection and adoption of textbooks for the public schools was settled. This system would be changed but slightly when free textbooks were provided. The status quo was maintained until the gubernatorial campaign of 1927-1928.

Huey Pierce Long, campaigning for office on a program of social legislation, incorporated the free textbook idea into his platform. As governor-elect, Long reiterated his pledges:

I must now set about to accomplish the vital things which will mean great prosperity and advancement for us all. In this undertaking I hope that I may have that measure of support which is required that we properly care for the impoverished and afflicted humanity, that we may expand our trade and commerce, utilize our natural and artificial resources and advantages and otherwise hasten the onward march of our education and

⁷⁴Baton Rouge State Times, May 16, 1910.

civilization.⁷⁵

In this spirit a bill was introduced in the regular session of 1928. House Bill No. 90, providing for school books was introduced as a companion bill to the new severance tax bill. Quickly approved as Act 100, the new law would:

AN ACT providing for the distribution of the Severance Tax Fund; first, for the purchase of school books for school children and the balance thereafter to the public school funds of the State of Louisiana.

Section 1. Be it enacted by the Legislature of Louisiana, that the Severance Tax Fund of the State, as levied by Act 140 of 1922, as amended, shall be devoted after allowing funds and appropriations as provided by the Constitution of the State, first to supplying school books to the school children of the State of Louisiana, and that thereafter such sums as remain in the said Severance Tax Fund shall be transferred to the State Public School Fund.

Section 2. That the State Board of Education of Louisiana shall provide the said school books for school children free of cost to such children out of said tax fund, and thereafter apply the remaining sums out of the said Severance Tax Fund to the State Public School Fund.

Section 3. That this act shall not apply to persons attending colleges and universities.⁷⁶

Resistance to the revised severance levies has already been treated in Chapter I of this study. The school books

⁷⁵Baton Rouge State Times, January 23, 1928.

⁷⁶Acts of Louisiana, 1928, Act No. 100.

measure itself was obscured by the opposition to the taxation. The first forebodings of things to come had been broached in the Senate when the use of public funds for purposes other than schools was questioned on grounds of constitutionality.⁷⁷

On August 9, 1928, the threatened suits against both the severance tax and the free textbooks statute became a reality. A group of sixteen north Louisiana oil men filed suit against the Louisiana State Board of Education. The case became known as Borden et al. v. Louisiana State Board of Education.⁷⁸ Two days after the filing the state board announced that it would meet after Judge George K. Favrot ruled on the textbook suit. F. F. Hansell and Company of New Orleans, acting state depository for school books, was ordered to prepare for the implementation of Act 100.⁷⁹ On August 18, 1928, Judge Favrot dismissed the suit ruling that the plaintiffs had no interest in the case. This action received front-page attention in the newspapers with leads such as: "School Book Suit Thrown Out of Court."⁸⁰ The

⁷⁷Baton Rouge State Times, July 2, 1928.

⁷⁸Ibid., August 9, 1928. ⁷⁹Ibid., August 11, 1928.

⁸⁰Ibid., August 18, 1928.

North Louisiana papers were indignant.⁸¹

The plaintiffs immediately sought relief through appeal to the Louisiana State Supreme Court. The State Supreme Court after ruling that "Taxpayers have a right to action to contest the expenditure of public funds belonging to the state for purchase of school books for free use of the school children of the state," heard the appeal on its own merits. The appellants charged that the provisions of Act 100, 1928, violated the state constitution by: (1) using public money in aid of sectarian, private and charitable purposes; (2) using public money to support private and sectarian schools; (3) lending public money, property, and credit to private persons; (4) causing public funds to be used in support of sectarian groups in violation of laws against making discriminations, preferences, or establishing religion.

The majority opinion of the Louisiana State Supreme Court was a legal classic which would be cited later by the United States Supreme Court:

One may scan the acts in vain to ascertain where any money is appropriated for the purchase of school books of the use of any church, private, sectarian or even public school. The appropriations were made

⁸¹Shreveport Times, August 20, 1928.

for the specific purpose of purchasing school books for the use of the school children of the state, free of cost to them. It was for their benefit and the resulting benefit to the state that the appropriations were made. True, these children attend some school, public or private, the latter sectarian or non-sectarian, and that the books are to be furnished to them for their use free of cost, whichever they attend. The schools however are not the beneficiaries of these appropriations. They obtain nothing from them, nor are they relieved from a single obligation because of them. The school children and the state alone are the beneficiaries. It is also true that the sectarian schools which some of the children attend, instruct their pupils in religion and books are used for that purpose, but one may diligently search the acts, though without result, in an effort to find anything to the effect that it is the purpose of the state to furnish religious books for the use of such children. In fact in view of the prohibitions in the Constitution against the state's doing anything of that description, it would be legally impossible to interpret the statute as calling for such action on the part of the state, for where a statute is susceptible to two constructions, one of which makes it unconstitutional and the other constitutional, the interpretation making it constitutional must be adopted.⁸²

Another challenge to the free textbook law was filed in the federal courts by Emma Cochran, Henry G. Steinau and Allie H. Turner, naming the Louisiana State Board of Education as defendant.⁸³ This suit known as Cochran et al. v.

⁸²Silas P. Borden v. Louisiana State Board of Education, 168 La. 1005, 123 So. 655.

⁸³Baton Rouge State Times, August 16, 1928.

Louisiana State Board of Education had been appealed to the Louisiana State Supreme Court previously. The state court had followed the precedent of the Borden case and affirmed the judgment of the lower court in favor of the defendant.⁸⁴

Appealed to the United States Supreme Court, the appellants alleged specific violations of the Louisiana State Constitution (Article 4, Paragraph 4) and of the Fourteenth Amendment to the Federal Constitution. It was alleged that the textbook provision constituted taking private property for private purposes, aiding private, religious and sectarian schools not part of the public system. The high court cited the opinion of the Louisiana State Supreme Court in affirmation. Chief Justice Charles Evans Hughes stated:

Viewing the statute as having the effect thus attributed to it, we cannot doubt that the taxing power of the state is exerted for a public purpose. The legislation does not segregate private schools or their pupils, as its beneficiaries, or attempts to interfere with any matters of exclusively private concern. Its interest is education broadly, its method comprehensive. Individual interests are aided only as the common interest is safeguarded.⁸⁵

⁸⁴Emma Cochran et al. v. Louisiana State Board of Education, 168 La. 1030, 123 So. 664.

⁸⁵Emma Cochran et al. v. Louisiana State Board of Education, 281 U. S. 370.

After the Cochran decision, the struggle for the unhampered operation of the free textbook law was won on all essential points. The opposition could resort only to attacks upon the supporting severance levies, both in the legislature and the courts. This has been pointed out in the evolution of state revenues for school aid.

The School Lunch Program

The school lunch program, following the principles laid down in the Cochran decision was first inaugurated in Louisiana with the use of both state and federal funds in 1938. The first acknowledgment of state responsibility came in the regular session of the legislature in 1938. This received ordinary legislative coverage:

The senate rallied today to the support of the public school teachers and underprivileged pupils. Suspending its rules, the body adopted unanimously resolutions authorized by Senator Roscoe Cranor of Shreveport to provide twelve months pay for teachers and appropriate \$500,000 annually to feed needy school children. Cranor charged: 'Hundreds and perhaps thousands of school children attend classes without sufficient food. I know of several cases where the teachers themselves provide food for the children. In other cases, it's left up to such groups as the Parent-Teacher Associations. The state should shoulder the responsibility.'⁸⁶

⁸⁶Baton Rouge State Times, May 17, 1938.

An initial appropriation of \$250,000 was finally approved. This move attracted very little open comment in the press. Quietly supported by education groups the appropriation was continued in 1940 with the approval of Governor Sam H. Jones. The free hot-lunch program in cooperation with the federal government was enumerated in the governor's message.⁸⁷ The effectiveness of the school lunch venture was pointed out by Superintendent John E. Cox. Cox praised this program which had cost the State only \$250,000 yet provided hot lunches in 1,129 schools to 230,610 children daily. He noted that for its contribution, the state received \$400,000 in W.P.A.-N.Y.A. funds, \$1,662,500 in surplus foods from the United States Department of Agriculture and \$600,000 from local cash receipts. Thus at a very nominal cost the state was able to finance a \$3,762,500 program.⁸⁸

During the State campaign of 1947-1948, Earl K. Long placed strong emphasis upon the provision of free hot lunches for every school child. As governor, Long reiterated this point in his inaugural address: "I feel that our people will be satisfied to see us pay the old-age pension and provide

⁸⁷Baton Rouge State Times, May 21, 1940.

⁸⁸New Orleans Times Picayune, June 9, 1942.

good, warm lunches for needy school children."⁸⁹ A few days later in a discussion of a five-cent beer tax, the governor was quoted as saying, "that beer tax of five cents will go to pay the soldier's bonus and to finance our hot lunch program."⁹⁰ In his message to the Legislature, Long stated, "Our program called for a program of free school lunches for every needy child in this state and better and improved educational facilities for the children of this state."⁹¹ On May 26, 1948, the House Ways and Means Committee approved legislation to provide \$4,000,000 a year for the next bien-nium for school lunches. The State Superintendent of Education backed the lunch program and worked for its passage.⁹² The bill was passed by the senate on June 11, 1948.⁹³

Opposition to the school lunch legislation had been comparatively quiet during the 1948 session. The Long administration had received such an overwhelming mandate at the polls that resistance seemed futile. By May, 1950, however,

⁸⁹Baton Rouge State Times, May 18, 1948.

⁹⁰Ibid.

⁹¹New Orleans Times Picayune, May 22, 1948.

⁹²Baton Rouge State Times, June 11, 1948.

⁹³Shreveport Times, May 16, 1950.

a storm of protest arose in the press. The Shreveport Times editorial criticism of the "free lunch program" seemed to provide the leadership in this movement. This newspaper made a survey by questionnaire of the state superintendents of education of the nation to determine the amount of state funds spent for school lunches. Reporting the results of its inquiry in a front page lead, the Times claimed: "Louisiana spends nearly three and one-half times as much of its own revenue on school lunches than the other 47 states combined."⁹⁴ This was followed in the next issue by a long double column editorial. This article advocated free lunches for those unable to pay, not wasting "millions of dollars of tax money annually providing part-free lunches for those able to pay, and forcing those unable to pay to find the money somewhere or go hungry and undernourished." In the final paragraph was an item urging that Louisiana "establish a lunch program on the principles of Americanism and not Socialism."⁹⁵ In this one publication's opposition may be identified also two other techniques of propagandistic reasoning: (a) the survey (the appeal to authority); (b) free

⁹⁴Shreveport Times, May 16, 1950.

⁹⁵Ibid., May 17, 1950.

lunches for the needy (the appeal to the people). The use of these devices is seldom so apparent.

The smaller publications followed the lead of the Shreveport Times. The following news item appeared in the Lafayette Advertiser:

It is unbelievable how far a state can go in the spending of tax monies under the guise of welfare socialism--and that is just what it adds up to. Take all of the free school lunches and figure out what it would cost to feed those children in the average home. Then compare that cost against what it costs the state of Louisiana to give free lunches promiscuously to every child who wanted to eat at school.⁹⁶

In north Louisiana, the Logansport Interstate Press noted:

This entire program of feeding school children is morally unsound. It makes children in the early impressionable years of life feel that the state owes them a living. . . .

The program is educationally unsound. In this program we are mixing the restaurant business with the basic educational training of our youth. . . .

The school lunch program is economically unsound. It piles an added burden on our already burdened list of taxes.⁹⁷

In the state capitol at Baton Rouge, the State Times joined the chorus with the following extensive protest:

For assorted reasons, the political type

⁹⁶Lafayette Advertiser, May 15, 1950.

⁹⁷Logansport Interstate Press, May 16, 1950.

known as the friend of the people, has let his wish to befriend everybody run away with his sense of values. His friendly and essentially fat-headed, desire to feed every Louisiana school youngster a free lunch has developed into an astonishing drain on the state treasury.

No, two years ago, it wasn't going to cost anything like the figure actually being spent today to provide a fully-free or part-free lunches for youngsters.

Everybody at that time agreed, as everybody does today, that schools should have a good noon meal. If the parents of the children cannot afford to pay, it is generally agreed that these children should continue to eat good noon meals and that they must not be given to feel any inferiority because their parents aren't as well off as others.

But this state simply cannot afford to continue spending at the rate of more than \$10,000,000 a year to provide free or partly free school lunches. The Shreveport Times, reporting on a nationwide survey it has just completed, discovered that Louisiana is spending almost four times as much of its public money each year as does all the other 47 states combined.

All told this year, Louisiana has put up \$9,716,277 for parish school lunch programs. The other 47 legislatures appropriated \$2,611,000. Because somebody down the line did a poor job of estimating, the Louisiana Legislature was called upon to put up and came through with, a deficiency appropriation of \$2,791,277 just a few weeks ago. This was to take the lunch program through the current school term. It was explained that an unexpected 100,000 children had materialized somewhere along the line, throwing things out of kilter.

Well, what's going to happen if 200,000 or 300,000 kids more than were expected come marching to school this fall, all equipped with the vigorous appetites we like to see among the young?

Uncle Sam did right well by the lunch program in Louisiana this year. He sent \$1,745,000 in cash this way, the Times reported. In addition he forwarded \$4,839,000 in food (wholesale prices).

Some people who eat margarine three times a day were comforted, as we were to hear that the youngsters spread real butter on their bread at school, and that not all the butter bought by the federal government is languishing in a mid-western cave storage vault.

We commend every man of good heart who wishes to see that our children are assured of at least one good meal a day, regardless of home circumstances. The day of the cold potato, soggy cornbread and sorghum syrup lunch must not return.

But our legislators must also realize the free-to-all lunch cannot be continued. It costs too much. Those who can pay should pay. For every abdication of parental responsibility, parents surrender nothing they should keep. Entirely too much responsibility has been dumped on school administrators and school teachers by lackadaisical parents.⁹⁸

In a definite contrast to this cacophony of protest and opposition, appeared Governor Long's message to the joint session of the Legislature in 1950:

We have utilized surplus commodities and raised revenues that have resulted in Louisiana's providing for our school children the best hot lunch program in the United States. In my platform speeches while a candidate for governor, I promised lunches only to those children who actually because of their poor financial circumstances, needed them. An article recently published in one of our daily papers states that Louisiana is doing more for its school children through the school lunch program than the other 47 states combined. I know and you know that this is not true--but I wish it were. The press in making its statement failed to tell you that in other states, tax contributions are made by local governmental bodies and was formerly the case in Louisiana; many civic-minded individuals and organizations

⁹⁸Baton Rouge State Times, May 11, 1950.

donate to their programs. I do know that this program has increased the school attendance among white and colored over 200,000. . . .

I wish it were possible and nothing would please me more than to continue to give every child in Louisiana a free hot lunch; but we may, because of restricted finances, be forced to do only what we promised we would do when we were candidates in the gubernatorial campaign. I am not insisting that all Louisiana children be given a free hot lunch, but I do want this program made so liberal that every child who needs a free lunch will get it. And even though we may feed a few who are not entitled to the free lunch, I think that this would be better than restricting the program so that children who are actually in need of the free lunches may be denied their benefit.⁹⁹

Governor Earl K. Long's speech was a tacit admission that some limitation based upon availability of funds might be necessary. The executive budget asked for a biennial appropriation of \$15,000,000 for the school lunch operation. State Superintendent Shelby M. Jackson reported in a letter to Governor Long and the Legislature that the continuation of the program would cost \$11,564,820 for fiscal 1950-1951, and \$11,994,156 for fiscal 1951-1952. Jackson stated the estimates were based upon census figures of 490,000 school children in 1950-1951; 506,000 in 1951-1952.¹⁰⁰

These estimated costs seemed to reinforce the position of those seeking a reduced program. Hard on the heels

⁹⁹Baton Rouge State Times, May 11, 1950.

¹⁰⁰Ibid., May 18, 1950.

of the Superintendent's report, Representative Algie Brown of Caddo Parish announced that he was drafting a bill to drastically limit the lunches to needy children only, which would reduce the cost to about \$1,000,000.¹⁰¹

Another advocate of the restricted lunch program, State Senator Charles Duchein of East Baton Rouge, favored a need-based plan which would cost an estimated \$6,000,000. In a speech made to the Baton Rouge Young Men's Business Clubs, Duchein claimed that the unrestricted program would cost the State in excess of \$20,000,000 by 1952.¹⁰²

From another quarter of the state, Representative Jesse Verret of Calcasieu Parish, a high-school principal, proposed to limit the lunch funds and apply the savings to a program of state aid for school construction. Verret said, "Demand school buildings fit to teach your children in."¹⁰³

When compared to Superintendent Jackson's requests and the cuts advocated by the opposition legislators, the administration bill appeared to be a compromise. With a proposal to drop the "free" clause from the law, this

¹⁰¹Shreveport Times, May 18, 1950.

¹⁰²Baton Rouge State Times, May 18, 1950.

¹⁰³Shreveport Times, May 23, 1950.

measure was acceptable to a majority of the Legislature. After a sharp fight on the House floor over the free clause, the appropriation was approved.¹⁰⁴ Amended to \$8,400,000 by the house, the bill was passed unchanged by the Senate.¹⁰⁵ A companion bill put the lunch program on a pay if you can basis. This legislation would require all school boards to post the price of lunches and invite all parents financially able to do so, to pay the school boards direct for their children's meals.¹⁰⁶ Thus all school boards would charge some fee for the lunches. This last step in the enactment was reported in the press:

Senators send appropriations to Long's desk, critics of school lunch program lose move to cut funds. Attempts to decrease the funds allocated to the state school lunch program were beaten down in the senate this morning. Critics of this program would have cut the appropriation from \$8,400,000 a year to \$1,000,000 a year. An increase in this fund was approved by the house. The senate endorsed the house recommendation and successfully resisted efforts to reduce it.¹⁰⁷

In the regular session of 1952, efforts to reduce the

¹⁰⁴Baton Rouge State Times, May 29, 1950.

¹⁰⁵Shreveport Times, June 5, 1950.

¹⁰⁶Baton Rouge State Times, June 21, 1950.

¹⁰⁷Ibid., June 25, 1950.

school lunch budget from \$8,400,000 to \$3,400,000 failed.¹⁰⁸ The lunch fund would always be a target of economy-minded legislators, but the struggle to establish the role of the State in the operation of the program had been won in 1950.¹⁰⁹

School Transportation

The provision of school transportation as an auxiliary service, has been established under a permissive statute since 1922. While the law has undergone amendments, none of the changes were brought about by public controversy. Isolated criticism of the school transportation system has stemmed from the inclusion of this service in the minimum cost program. These attacks have not become significant. The newspapers have been virtually devoid of references to school transportation. Perhaps the lack of a mandatory statute in this area has worked to resolve this issue on a local basis.¹¹⁰

¹⁰⁸Shreveport Times, June 17, 1952.

¹⁰⁹Ibid., June 18, 1952.

¹¹⁰J. Berton Gremillion, "School Transportation of White Children in Louisiana, A Study of its Development, Legal Status, and Administration" (unpublished Doctor's dissertation, Louisiana State University, Baton Rouge, 1954), 235 pp.

The auxiliary services, free textbooks, school lunches and school transportation have become integral parts of the public school system. This in itself connotes a degree of public acceptance of this extension of educational opportunity. The role of the State through support, supervision, and regulation has also been accepted as a part of providing free, non-sectarian, public schools for all the children of all the people of Louisiana.

CHAPTER IV

THE PUBLIC PRESS, PUBLIC EDUCATION, PUBLIC OPINION--AN OVERVIEW

The production of the newspapers of Louisiana in 1956 was vastly different from that of 1898, because of improved technical processes and the fact that information was gathered by expanded reporting staffs and transmitted by rapid electronic communications. While these changes have made possible changes in the production of newspapers, other factors have been operative to change the status of the public press in Louisiana. In 1898, there was only one large metropolitan daily, the New Orleans Daily Picayune. This daily had a large local, state and interstate circulation. At the turn of the century the Daily Picayune was the most important publication south of Memphis, Tennessee, and Atlanta, Georgia. The character and influence of this paper reflected the conditions of the South's largest city and the Nation's second port. The independence shown in the columns of the Daily Picayune was also indicative of sixty-four years of publication and the position of its principal owners, the Nicholson family.

With the passage of time, the Picayune publishers merged with that of the Times-Democrat in 1914 to become the Times-Picayune. In 1933, the Times-Picayune Publishing Company purchased the New Orleans States outright from the Robert Ewing Estate. Each of these actions altered the character of the original Daily Picayune. The forceful, crusading nature of the Times-Democrat added to the independent conservatism of the Picayune made the Times-Picayune a publication with a distinctive character.¹

In Baton Rouge, the capital of Louisiana, no newspaper maintained the same continuity of publication as the Picayune. The Baton Rouge State Times, formed from a merger of the Daily States and the Times in 1909, has served as the official journal of the state since that time. The State Times absorbed the Baton Rouge New Advocate in 1913.

The Baton Rouge State Times has had a succession of active editors such as Colonel T. Sambola Jones and later Charles P. Manship. The views expressed by the State Times have reflected the personalities of these men. As the official journal of the State, the State Times has consistently

¹Thomas E. Dabney, One Hundred Great Years (Baton Rouge: Louisiana State University Press, 1944),

carried a most comprehensive coverage of legislative sessions and Louisiana political events. As a consequence, many articles appearing in the Baton Rouge State Times were published in other Louisiana papers by the open reprint or the wire services such as United Press or Associated Press. In order to cite most original reports of political news in Louisiana or find an obscure governmental activity, the Baton Rouge State Times should be the first point of investigation.²

In central Louisiana, the Alexandria Daily Town Talk published since 1883 provides the longest continuous issuance. From 1889, until his death in the 1950's Roland C. Jarreau dominated the editorial and publication policies of the Town Talk. Jarreau was a man of strong opinions and high personal integrity. After 1934, he assumed control as publisher as well as editor. The Alexandria Town Talk became the news organ of central Louisiana, which was to become a not unmixed blessing. This paper reflects primarily the local attitudes of its section of the State and concerns itself with other affairs as they impinge upon those attitudes.³

²Louisiana Newspapers, 1794-1940, Louisiana State University, Louisiana Historical Records Survey, 1941, pp. 24-25.

³Ibid., p. 2.

In north Louisiana, the Shreveport Times, founded in 1871, has extended its influence and circulation over a tri-state area of Louisiana, Arkansas and Texas. Long the largest city in its section of Louisiana, Shreveport changed from bustling Red River port to a booming center of oil exploration and development during the years of World War I. As a result, by 1925, Shreveport had become Louisiana's second city. The Times was fully cognizant of its city's position and the importance of the fabulously rich oil and gas fields of northern Louisiana, southern Arkansas, and eastern Texas.

The Shreveport Times was purchased by Robert Ewing, the proprietor of the New Orleans States in 1908. After the sale of the States in 1933, the Shreveport Times became the premier publication of the Ewing syndicate. Under the Ewing auspices, the Times became the organ of the oil and gas interests and continued the active political role formerly played by the New Orleans States.⁴

The Times' competitor was the Shreveport Journal an evening daily established in 1895. Under the guidance of Adolph J. Frantz after 1908, the Journal, established a wide circulation with a combination of political and sports news.⁵

⁴Ibid., p. 217.

⁵Ibid., p. 215.

The Journal operated as an independent newspaper until after the death of Frantz, when the Times and the Journal merged.

Closely related to the Shreveport papers and reflecting many similar interests were the Monroe, Louisiana, papers. Foremost among these was the Monroe Morning World, a part of the Ewing group after 1929.⁶ Since Monroe is also located in the heart of a rich oil and gas area, it was natural for the views of the Times to reappear in the Morning World, and vice versa.

Louisiana has had a number of smaller publications which have maintained continuous production since 1898. The Lake Charles American Press has appeared since 1897 (with some title changes).⁷ The Hammond Vindicator an important voice of the Florida Parishes first went to press in 1892.⁸ The Crowley Signal has spoken for the rice prairies since 1898.⁹

These represent but a few of the smaller members of the Louisiana press. The similarity of the expressions of the local papers can be seen from the extensive reprinting which has gone on between them and the larger metropolitan

⁶Ibid., p. 100.

⁷Ibid., p. 73.

⁸Ibid., p. 60.

⁹Ibid., p. 44.

dailies. News articles were reprinted by the smaller publications directly from their larger colleagues. The city newspapers often quoted editorials from the local press to buttress a position on some issue of the moment. Taken together the Louisiana press has shown a considerable degree of consistency and cohesion in content presented for public consumption.

I. PUBLIC EDUCATION

In 1898, a constitutional convention created a new frame of government for Louisiana. State Superintendent Thomas H. Harris later commented that the Constitution of 1898 had laid the foundation for progress in the development of a system of public schools in Louisiana.¹⁰ Since 1898, public education has evolved through the resolution of issues. This investigation has found that three key issues: state and local support, state regulation and supervision, and the overall extension of educational opportunity, have determined the direction taken in Louisiana's public schools.

¹⁰Thomas H. Harris, The Story of Public Education in Louisiana (New Orleans: Delgado Trases School, 1924), p. 66.

State and Local Support

The issue of school support has two dimensions, tax levying and tax spending. The imposition of taxes at any level of government has always been of intimate concern to every citizen and every economic enterprise. In Louisiana, four levies have been of particular importance to school support, severance, sales, tobacco and malt.

The severance tax classified as a privilege levy has occupied an unique place in the educational tax structure of Louisiana. From the first severance tax in 1920, severance taxes have dedicated to some phase of public education. The critical points in the development of this revenue source were reached first in 1928, and second in 1956. In each case, the expanded role of state funds in public education was exemplified. In 1928, the State assumed the provision of free textbooks to pupils of elementary and secondary school age. In 1956, the financing of teachers' salary raise from state income brought a legislative crisis through the gas gathering tax controversy.

The sales tax has had a checkered history as a state revenue. Though the proceeds have been wholly or in part devoted to public education, they have not served as a dedicated source for public education. As an important state

General Fund receipt, the sales tax has often been used to support appropriations for public education. Often revised and repealed, the sales tax emerged as a permanent component of the tax structure through emergency legislative acts during World War II. Firmly connected to the state welfare program in 1948, only a portion of the sales tax proceeds were available to education as "surplus."

The tobacco tax, however collected, is an excise levy. The taxing of this commodity while never popular has been exploited by both the federal and state governments. Opposed as a nuisance tax, tobacco excise in Louisiana was repealed in 1928. During the depression such a productive levy could not be ignored and the tobacco tax, revised to facilitate collection, was again enacted by the Legislature. During the decade of the 1930's the tobacco excise was an important receipt for public education. Reduced in importance by the reform legislatures of the early 1940's, this tax passed from public notice save at the tobacco counter.

The role of the malt tax also an excise type levy was unusual. This impost was the product of a particular set of conditions created by the prohibition amendment to the national constitution and public reaction to it. The malt tax was enacted to tap an illicit trade which had swelled the

consumption of malt to unheard of levels. Hampered by a clumsy collection procedure the avails of the malt excise never reached the estimated amounts. Even after revision the malt tax was an unproductive levy. Long before its final repeal, the malt excise tax had passed into limbo along with the Eighteenth Amendment.

The malt impost represented a support revenue for a new and different type of educational spending, the equalization fund. Historically state school funds had been distributed on the basis of the census of educables. The equalization program was an effort to bring all public schools up to a minimum standard of efficiency through state aid. Again the state extended its functions in the field of education by assuming a greater proportion of the cost of operating the schools. This brought about certain natural changes in the character of local support which had experienced a slow evolution after 1898.

Local responsibility for the building and maintenance of public schools reached its highest point in Louisiana in the decade of the 1920's. The economic deterioration of the next decade wiped out most of these gains. With the decline of local school income, the State was compelled to increase its contributions to meet local expenditures. A ready-made

vehicle existed for this purpose in the equalization fund after 1930. The creation of the property tax relief fund in 1934 together with an increased state public school fund placed the primary responsibility for public education in the hands of the State. By 1956, the level of spending and providing for public schools in Louisiana was a state not a local problem.

State Supervision and Regulation

The responsibility for the general regulation and supervision of public education has been vested in the State's legislature by constitutional law. Thus various statutes have been enacted pertaining to school attendance, school curricula, school teachers and state educational agencies. The implementation of the state school law has been directed through the constitutionally provided State Superintendent of Education and the State Board of Education.

Various groups have worked to secure school legislation. Some of these have been successful in imposing their views on particular matters. The Women's Christian Temperance Union has been cited as a case in point. The Parent-Teacher Association was successful in seeking an effective compulsory attendance law, but unsuccessful in its advocacy

of an appointive chief state school officer. The organized educational forces of Louisiana were first successful in the areas of teacher tenure and retirement. The tenure act came as part of the reaction to that epitome of state control, the State Budget Committee. A coalition of laymen and educators, the United School Committee, formed in 1948, has been able to secure the passage of a state minimum salary schedule for teachers and numerous lesser legislative provisions for teacher welfare. The influence of the office of the State Superintendent of Education upon school bills in the Legislature cannot be discounted owing to the character of the men who held the office. The assumption of the leadership role by men such as James B. Aswell, Thomas H. Harris, John E. Coxe and Shelby M. Jackson, has left its mark upon the development of public education in Louisiana. As a result, the influence of the Louisiana State Board of Education has not advanced. The end result of the interplay of groups and individuals in shaping school law has been a highly developed set of state school statutes dealing with all facets of the public schools.

The Extension of Educational Opportunity

In Louisiana, the growth of the public secondary schools has been noted as an index of the popular acceptance of the public school idea. The establishment of a segregated, parallel system of schools for Louisiana's Negroes has been a continuing problem. While some of the hostility to Negro education which existed in 1900 was gradually dispelled by the 1940's and the end of discriminatory salaries for Negro teachers in 1948, the decision of *Topeka v. Brown* by the U. S. Supreme Court reopened the issue.

The provision of the auxiliary services of free textbooks, school lunches and school transportation represented great strides toward making a public school education available to all the children of all the people of Louisiana. School transportation, inaugurated with horse-drawn vehicles, has been expanded without fanfare to every corner of the state utilizing many types of transport. After the initial conflicts both the constitutionality and desirability of the free school textbooks law has been resolved. The newest auxiliary service, school lunches, has been a center of controversy. By 1956, however, the proponents of this federally subsidized program were able to maintain its effectiveness.

These have been the issues: state and local support,

state supervision and regulation, and the extension of educational opportunity. How have the newspapers selected in this study expressed public opinion on the issues?

II. PUBLIC OPINION

What is public opinion? Pressure groups attempt to manipulate it, using the mass media. Surveys and polls try by statistical techniques to sample and measure it. Salesmen and politicians strive to discern the direction or drift of public opinion. An adequate definition is elusive, yet the very tenor of American life is determined by the expressions of the popular will. In the course of this investigation, many techniques have been employed in one vital mass medium, the newspaper, to express public opinion. Perhaps after an examination of these techniques some coherent description can be developed taking into account the spectrum of gray between the absolutes of black and white.

One of the basic assumptions throughout this study has been the presumption of protest and controversy. Through the publication of protest and controversy, the newspapers establish a basis of public familiarity on a particular issue. This is a seeming over-simplification, for in many cases controversial material may be sufficiently sensational as to

screen the major issues. Another operative factor is that of bias. Bias is a two-edged instrument. By the skilled use of propaganda devices and specious logic public support may be garnered for one viewpoint and another discredited. On the other hand, biased expressions on current controversies may discredit their creators. A third determinant is the mechanism of compromise. The dimensions of compromise depend upon attitudes. Since attitudes represent emotionalized responses to stimuli, the quality of response may be modified. As long as the stimuli exist the responses may not be destroyed entirely. Hence compromises in means or degree may be effected, but not in principle. This is the basis of the minority's protection from the majority. A fourth force which should not be minimized is the inter-relationship of leaders and followers. This is a complex relationship which may seem to defy analysis. As in the case of the compromise mechanism, attitudes are involved. Attitude formation, a continuous process, often lies at the root of a leader's success. Identification is the key. The leader may identify himself with the attitudes (sometimes termed interests) of a group of followers. More importantly, the followers identify themselves with the leader. They may follow a leader, or vicariously realize goals from the actions of the leader. In the

instance of the pressure group, the leadership may come from a corporate entity; an artificial individual created through collective actions.

The problem of this study has been to discover how the press has functioned in these vital processes as three broad issues in public education have been resolved (at least pragmatically) over a span of fifty-eight years. In this framework, the question of who won or lost, triumphed or failed is not germane. The continuity of human events continues despite the disappearance of individual men from the scene. By pursuing the theme of continuity in the three issues of this investigation an analysis of public opinion is possible.

III. STATE AND LOCAL SUPPORT

State Support

The original imposition of the severance tax as a source of state support was portrayed as the direct product of John M. Parker's leadership. For the mineral producing interests the two per cent tax was clearly a compromise as the sulphur companies indicated to the press. The tax by consent was a reflection of bias in the direction of no further tax increases. This bias was revealed, when the tax

was revised by Act No. 140 of 1922, by the Gulf Oil and Refining Case. That which the press had portrayed as patriotic duty in the beginning, now shifted to grave questions of constitutionality. The carefully contrived expression of public acceptance of the severance tax was rudely shattered by the Gulf Oil and Refining Company's suit, but the newspapers did not reveal this collapse of compromise.

In 1928, a new leader, identified with the aspirations of the ordinary citizenry was brought to power by the expression of the collective will at the polls. Initially, the newspapers contributed to the image of the leader. When an increased severance tax was proposed by Huey Pierce Long to provide for free textbooks, the bias of many groups began to appear in the public prints. The elements of compromise were pushed aside by the followers of the leader [Long]. The newspapers were hinted unsuccessfully in this direction. Protests of constitutionality published in the press indicated a deepening of bias and the sharpening of controversy. Attacks upon the leader himself were connected with the repeal of the tobacco tax as a school revenue.

The protests took the form of editorial articles, pressure group expressions (news articles and paid advertising), individual statements, and court suits. The Ohio Oil

Company case, the Borden case and the Cochran case were protests-at-law.

These protests assailed not only the tax in question, but also the leader whom they held responsible for the enactment of the levy. By so doing a rule of no compromise emerged. Most importantly the actions of the press created an unwillingness to compromise among the followers of the leader. Thus as the newspapers assumed the posture of spokesmen for public protest, bias came to characterize their expressions.

Having recognized the existence of journalistic bias, the absence of compromise, and the continuance of the leadership role, a pattern emerges. Chronologically, the pattern was repeated with the malt tax, the tobacco tax (after 1930), the sales tax, and the gas gathering tax (in 1956). The basic structure was not altered by the press; its position has remained constant. However, the leadership role identified with a single leader, Huey P. Long in 1928, changed after his assassination in 1935. Long became a symbol, a martyr, to his followers. Thus a Long faction, with collective leadership in the hands of Earl K. Long and Huey's lieutenants maintained the integrity of the movement. In 1940, the formation of an uneasy coalition took place as Sam Houston Jones

was elected governor. This coalition introduced a second leadership force, with which the Louisiana press was able to become identified. After 1940, the newspapers could claim to express the public mind or more accurately the mind of a part of the public. The constant criterion to apply has been therefore, which part? From the evidence gathered by this writer it would seem that the conservative anti-tax group of the Louisiana public has enjoyed the support of the press.

Local Support

Early in the twentieth century the newspapers protested the inadequacy of local responsibility for public schools and emphasized the State's illiteracy rate. This bias has favored local funds for public education. The strong leadership of James B. Aswell and Thomas H. Harris as chief state school officers was followed by the press. This was followed in principle with the development of equalization after 1930 and property tax relief after 1934. The bias of the public press was revealed by the difference in means and by a willingness to compromise for lesser state expenditures. The reduction of the local support role was protested by the newspapers. Since leadership showed an unwillingness to compromise, as the press indicated in the cases of Superintendents John

E. Cox and Shelby M. Jackson, their protests continued. The emphasis, however, was shifted to the area of state supervision and regulation.

IV. STATE SUPERVISION AND REGULATION

In the early phases of state supervision and regulation of public education, the press was content to mirror the protests of individuals and groups without any participation beyond reportorial activity. Cases in point are the Women's Christian Temperance Union, the Caldwell and Corn-tassel letters, compulsory attendance and the early phases of the teacher welfare laws. Active editorial opposition came with the establishment of the State Budget Committee in December of 1934.

Opposing the actions of Huey P. Long in organizing the Committee, and publicizing its actions, the newspapers attempted to identify with the teachers' groups in seeking home rule and teacher tenure laws. Home rule was merely the expression of a consistent bias; teacher tenure followed inadvertently. The willingness of the leadership to compromise, as indicated by Governor Richard W. Leche, secured the passage of the teacher tenure and retirement statutes. These acts presented no stimuli for resistance, but increased

teachers' salaries evoked a divided response.

The press had protested pro forma the levels of teachers' pay until 1948, when the leadership of Governor Earl K. Long and the school coalition brought out specific tax proposals and salary schedules on a stable long-term basis. The press supported the new salary schedule proposal but protested the tax program to support it. This dilemma removed the possibility of compromise. The press consistently expressed its bias on this sub-issue, and after 1952, relied upon a new pressure group, the Public Affairs Research Council to bolster its position. With the aid of PAR, the newspapers were able to claim in 1954 and in 1956 that teachers' salary increases were as unnecessary as new taxes. From this position, the newspapers of Louisiana working in conjunction with certain pressure groups were able to delay and otherwise force a compromise on the payment of the minimum wage required by Act No. 3, 1956. Did the newspapers change their orientation on teachers' pay or did they simply express the opinion of a segment of the public? The order of the premises simply reversed to more accurately reflect a bias which had been in existence since 1928. Against the agencies of state control, the state superintendent of education and the state board of education, the press raised a new protest

in the reform oriented legislatures following the Louisiana Scandals of 1939-40. The state superintendency had long been recognized as a legitimate political office with the control of the electorate. In 1942, an appointive state commissioner of public education was proposed in the form of an amendment to the State's constitution. The newspapers approached the proposal cautiously until 1944, when sensing the drift of conservative groups toward the appointive commissioner plan, came out decisively for the proposal and was supported by the active agitation and leadership of the Louisiana Parent-Teachers Association and members of the Louisiana State Board of Education. The bias of these groups and the press hardened after three successive rebuffs by the state legislature. Adopting an attitude of no compromise, the papers, led by the Shreveport Times, launched an all-out drive. Attempting to assume a leadership role, two techniques were employed by the press: the appeal to authority and the appeal to the people. In view of the heavy mandate at the polls in favor of Earl K. Long as governor, 1948 was an unfavorable time to attempt a substitution of leaders. Sensing the realities of the situation the press protested by personal attacks on all who opposed their position. The strength of the Long leadership prevailed as the newspapers

pushed their opposition to the exclusion of compromise. This chain of events was continued after Long's departure from the governorship. The conservative leadership of Governor Robert F. Kennon was not strong enough to overcome the pattern that had been established. The newspapers' zeal for the status quo worked to prevent change even when they themselves most desired it. The leadership supported by the press was not sufficiently dynamic to effect the change.

V. EXTENSION OF EDUCATIONAL OPPORTUNITY

At the turn of the century the New Orleans Daily Picayune raised the banner of protest for more and better public schools, emphasizing the illiteracy rate and the apathy of the poorer whites and Negroes toward education. These protests never developed into a consistent bias and the Louisiana press performed a simple reportorial service at times reinforced by innocuous editorials for the development of the high schools and agricultural training. This characterized a half century during which Louisiana's provisions for publicly supported educational facilities were vastly expanded. When addition of the twelfth year to the school grade structure was accomplished, the leadership was not supplied by the press.

However, the newspapers reacted on the topic of Negro education. From a bias amounting to Negrophobia after World War I, the press gradually adopted an apathetic position, occasionally showing the illiteracy rate of Louisiana's Negro population but offering no leadership and accepting compromise as an operative principle. With the decision of the United States Supreme Court shattering the separate but equal doctrine in May, 1954, the Louisiana newspapers followed a line of vigorous protest that became a bias in favor of the segregation stand of the conservative group then in control of the state government. The press identified itself with the pro-segregation leadership, especially in northern Louisiana. From a cautious wait-and-see attitude which admitted of some compromise, conditions deteriorated by 1956 to no possible compromise. It should be noted that once again the Louisiana press lined up behind the leadership it had espoused since 1928. Since this controversy had not reached a point of decision in 1956, the future position of the newspapers cannot be prognosticated insofar as Negro education is concerned.

The provision of auxiliary services had triggered a reaction in 1928 with the free textbook act. Prior to this time, the provision of these services had been the private

responsibility of parents and reached the papers when the protests of citizens toward book adoption procedures brought brief coverages of a local nature. The compromise which resolved the textbook problem of 1910 was effected through the leadership of State Superintendent Thomas H. Harris.

In 1928, the leadership of Huey P. Long resulted in free school book legislation. The protests and bias of the press varied in degree throughout the state. The Shreveport Times held out for some type of compromise and supported the protests made through the courts such as the Cochran and Borden cases. When the courts validated the laws of the Long leadership, the press retained an enduring bias toward the auxiliary services. This bias was expressed on a local level where school transportation was concerned, by protests on its cost or other problems of the local school system. With the expansion of the school lunch program in 1948, to the so-called free lunch program, the newspapers raised a protest.

After token resistance in 1948, the press garnered the support of conservative groups as the costs of the lunch program became apparent. Unable to successfully challenge the Long leadership on the initial legislation, the press now sought to secure revision and compromise consistent with

its conservative bias. With the support of the out-of-office faction a campaign to rally support attempted the use of scare socialism to lead a compromise movement. With the approval of Governor Earl K. Long, the word "free" was struck from the program and the state appropriation curtailed. Having achieved this gain, the press attempted more drastic compromises in successive legislatures but were rebuffed. Again the conservative leadership refused to effect a change in the status quo, a basic bias to which the press was committed.

Finally then, what is public opinion? First, public opinion has been found to be relative to time, place and persons. The persons involved have been both leaders and followers. Second, public opinion on any broad issue has been determined by a structured group of key lesser points. Third, many factors influence the expression of public opinion; the press is only one of these factors. Fourth, public opinion on educational issues presumes a legalistic solution determined by the interplay of leaders, pressure groups, political factions and that great unpredictable mass, the voters. Thus absolutes of blackness and whiteness do not exist, but many shades of gray do.

How has the Louisiana press reflected the crucial

issues in public education since 1898? First, the newspapers have performed the services for which all mass media are designed--reporting information. Second, they have served as spokesmen for a segment of the public and their opinions. They have revealed a continuity in the protest role, reflected an inner thread of bias, sought compromise in some situations, attempted leadership and followed consistently the conservative position.

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EXAMINATION AND THESIS REPORT


Candidate: Othel E. Lovell

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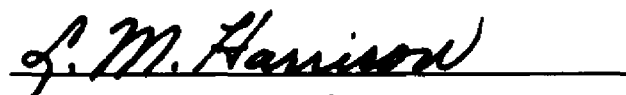
Approved:


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Dean of the Graduate School

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